

UNITED NATIONS
General Assembly
FIFTY-FIRST SESSION
Official Records

THIRD COMMITTEE
40th meeting
held on
Friday, 15 November 1996
at 3 p.m.
New York

SUMMARY RECORD OF THE 40th MEETING

Chairman:

Mrs. ESPINOSA

(Mexico)

CONTENTS

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued)

- (b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)
- (c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)
- (d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued)
- (e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued)

AGENDA ITEM 101: CRIME PREVENTION AND CRIMINAL JUSTICE (continued)

AGENDA ITEM 105: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued)

AGENDA ITEM 103: ADVANCEMENT OF WOMEN (continued)

AGENDA ITEM 107: PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE (continued)

AGENDA ITEM 109: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.3/51/SR.40
13 August 1997

ORIGINAL: ENGLISH



The meeting was called to order at 3.10 p.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued) (A/53/3 (Parts I and II), A/51/81, 87, 90, 114, A/51/208-S/1996/543, A/51/210 and A/51/462-S/1996/831; A/C.3/51/9)

- (b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/51/153, 170, 201, 290, 395, 453 and Add.1, 457, 480, 506, 536, 539, 542 and Add.1 and 2, 552, 555, 558, 561, 641 and 650; A/C.3/51/6)
- (c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/51/80-S/1996/194, A/51/189, A/51/203-E/1996/86, A/51/204, 271, 347, 459, 460, 466, 478, 479, 481, 483 and Add.1, 490, 496, 507, A/51/532-S/1996/864, A/51/538, 556, 557, 651 and 657; A/C.3/51/3, and 10-13)
- (d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)
- (e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)

1. Mr. BERGH (South Africa), speaking on behalf of the countries members of the Southern African Development Community (SADC), said that those countries wished to stress the importance they attached to international efforts for the protection and promotion of all human rights, since their own histories had taught them that tyranny and dictatorship were the enemies of peace and development.
2. The right to development was one of the most important human rights, transcending both civil and political rights and economic, social and cultural rights and standing at the nexus formed by democracy, development and respect for human rights. At its most recent session, the Commission on Human Rights had, for the first time, reached a consensus on the right to development; the High Commissioner for Human Rights had also acknowledged its importance by allocating substantial resources to it in his restructuring proposals.
3. The SADC countries remained concerned about protectionism, unfair trade practices and the debt burden and therefore supported initiatives that approached the right to development in a systematic, comprehensive manner. While the State had a primary role to play in the development process, another important component was good governance, coupled with international cooperation.
4. It would be an immense task to ensure that all human rights, especially economic and social rights, became a reality for all people. As long as Governments continued to violate their citizen's fundamental rights and freedoms and failed to abide by their international obligations, such a goal would never be achieved. The SADC countries called for full and immediate compliance with international human rights instruments and an immediate end to grave human rights violations.

5. SADC was concerned at the massive violations of human rights and humanitarian law occurring in the Great Lakes region of Africa. There was a need to increase preventive action and to encourage the authorities concerned to engage in a meaningful dialogue with a view to finding durable political solutions to the problems in the region.
6. He called on States to support the Voluntary Fund for Technical Cooperation in the Field of Human Rights, since the volume of new requests indicated that the technical cooperation programme of the Centre for Human Rights would continue to expand. Considerable progress had been made in the area of field operations and technical assistance programmes, and an increase in resources was essential.
7. The twentieth session of the African Commission on Human and Peoples' Rights, held in October 1996, had adopted a resolution on measures to strengthen the African Commission and establish an African court of human and peoples' rights.
8. The SADC countries had noted the High Commissioner's comments regarding the restructuring of the Centre for Human Rights and, as a matter of principle, supported efforts to improve the Centre's efficiency in enhancing the promotion and protection of human rights.
9. Mr. PLORUTTI (Argentina) said that the approaching fiftieth anniversary of the Universal Declaration of Human Rights afforded an opportunity for the international community to reaffirm its commitment to the cause of human rights and renew its efforts to ensure that all Member States gave practical effect to the principles enshrined in the Declaration. It was regrettable that, despite the progress made in the promotion and protection of human rights and fundamental freedoms, millions of people were still denied those rights and freedoms.
10. Argentina had consolidated its democracy, given constitutional status to eight human rights treaties and established the primacy of international agreements over domestic law. A number of national and local human rights mechanisms had been created.
11. His delegation wished to draw attention to the fact that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had so far been ratified by only some 100 States. The General Assembly should urge all States which had not yet done so to ratify the Convention. It was important to work for the prevention of torture as well as its punishment. The working group of the Commission on Human Rights which was engaged in the elaboration of a draft optional protocol to the Convention intended to establish a preventive system of visits to places of detention was endeavouring to reconcile various national positions while maintaining intact the basic principles of regular and ad hoc visits to detention centres, participation of experts in missions and the integrity of the text to be adopted.
12. Turning to the right to development, his delegation regretted the differences in levels of development among and within States, in particular, the phenomenon of social marginalization, social injustice and growing poverty. All human rights, whether civil and political or economic, social and cultural,

should be enjoyed equally by all. Lack of development in a society could not be used to justify the denial of other human rights. Argentina had carried out a profound transformation of its economy, opening it up to the world market and carrying forward the process of economic integration within the Southern Common Market (MERCOSUR), in an effort to promote trade and development and improve its population's standard of living.

13. His delegation strongly supported the High Commissioner for Human Rights. The past 50 years had shown that the promotion and protection of human rights required institutions, legal instruments and financial support and that good intentions alone were not enough. In order to be able to take early action to prevent human rights violations, the High Commissioner needed the support of an effective and efficient Centre for Human Rights. Accordingly, in the context of the restructuring of the United Nations and within existing resources, the budget for human rights activities should be increased.

14. His delegation was deeply concerned at the human rights situation in the various States under consideration by the Committee and in all other parts of the world where grave human rights violations were taking place and where new and dangerous types of conflict had arisen. Any violation of human rights was a direct threat to peace. While interpretations differed as to what precisely was meant by human rights, differences in historical, cultural or religious traditions could not be invoked as a valid argument for ignoring the universality and indivisibility of human rights. Cooperation, not confrontation, was needed among States in order to eradicate the causes of violations of fundamental human rights.

15. Mr. ROHAN (Austria) said that as host country to the 1993 World Conference on Human Rights, Austria was particularly committed to the comprehensive implementation of all its recommendations. One of the most visible achievements of the World Conference had been the establishment of the post of United Nations High Commissioner for Human Rights. The High Commissioner had developed a clear vision for the future development of the United Nations human rights programme: making the universality of human rights a reality, reacting effectively to urgent crises and preventing human rights violations. Nevertheless, grave human rights violations continued to occur daily in all parts of the world. Every Government had the responsibility to honour its obligations in the field of human rights.

16. His delegation fully supported the High Commissioner's pleas to make the fiftieth anniversary of the Universal Declaration of Human Rights, in 1998, a major event for the United Nations system and for the international community in general. The anniversary would be an appropriate occasion to review the progress made in implementing the Vienna Declaration and Programme of Action and to mobilize and involve civil society the world over in the promotion of human rights. The representatives of non-governmental organizations (NGOs) should be able to participate in the customary commemorative plenary meeting, at which all States should reaffirm their unwavering commitment to the full implementation and observance of the Universal Declaration and of all human rights.

17. The five-year review of the Vienna Declaration and Programme of Action should be a comprehensive, substantive process undertaken within the broader context of the coordinated follow-up to recent international conferences. The

Economic and Social Council had endorsed the recommendation of the Commission on Human Rights that part of its 1998 substantive session should be devoted to the question of the coordinated follow-up to the Vienna Declaration, with the primary objective of further promoting the mainstreaming of human rights throughout the United Nations system and strengthening the system-wide coordinating role of the High Commissioner for Human Rights.

18. The individual was central to human rights issues, both as a beneficiary and as a key player. He therefore hoped that all sectors of civil society, non-governmental organizations and human rights advocates the world over would participate fully in the preparations for the fiftieth anniversary of the Universal Declaration. National initiatives should be consolidated into regional and global networks in order to facilitate the exchange of ideas and the coordination of activities. The mobilization of the entire human rights community and of hundreds of non-governmental organizations for the World Conference could serve as a model in that regard. A strong partnership between Governments, the High Commissioner, the entire United Nations system, regional and national human rights institutions and non-governmental organizations, experts and academics would ensure the success of events in 1998. His country looked forward to playing a constructive role in that process.

19. Mrs. RAJAONARIVELO (Madagascar) said that her country saw the Vienna Declaration and Programme of Action as a guide for efforts to promote development and combat poverty. In the context of the Decade for the Eradication of Poverty, her Government had set itself the goal of adopting short-, medium- and long-term strategies for the eradication of poverty. Her country particularly welcomed UNDP efforts to build Madagascar's capacity for development by promoting employment and sustainable means of subsistence, the empowerment of women, the preservation and regeneration of the environment and the establishment of an enabling political environment in which resources and opportunities were distributed fairly and individuals were to be able to participate in decision-making which affected their lives.

20. The 1992 Constitution had incorporated the major human rights instruments into domestic law. Her Government was working to increase its cooperation with the Contracting State on Human Rights, with a view to implementing the programme of technical assistance for the promotion, protection and better application of human rights in Madagascar. As a part to all the principal human rights instruments, her country fulfilled the conditions for receiving financial assistance and technical support from the United Nations in the field of human rights. She renewed her Government's appeal for an evaluation mission from the Centre for Human Rights to visit Madagascar after the presidential elections, in order to determine what assistance was necessary for the implementation of a public education programme which would ensure the widest possible dissemination of a human rights culture.

21. In view of the importance of tolerance and education in promoting a culture of peace, her delegation welcomed the lead role played by UNESCO and its national committees in organizing the United Nations Year for Tolerance in 1995. Her delegation hoped that the human rights concerns expressed at recent international conferences would be taken to heart and that practical measures would be taken to ensure universal respect for justice, law, human rights and fundamental freedoms for all.

22. Ms. AL-AWADI (Kuwait) said that Kuwait demonstrated its concern for human rights at the local level by providing essential services for all, regardless of gender, colour or religion. Her country was particularly concerned with human rights in view of the suffering which had been caused by the Iraqi invasion. The flagrant violations of human rights perpetrated during the Iraqi occupation had had a negative social and psychological impact on all levels of society and had undermined the economy. The Special Rapporteur on the situation of human rights in Iraq had mentioned in his report (A/51/496 and Add.1) that Iraq had cooperated with United Nations humanitarian agencies, but that did not alter the fact that Iraq remained entirely responsible for the fate of more than 600 non-Iraqi prisoners and detainees whose cases had still not been resolved. The Committee should urge Iraq to take genuine steps to release those prisoners. The fact that the Special Rapporteur had also reported an increase, rather than a decrease, in human rights violations in Iraq was disquieting and called for action by the international community.

23. Kuwait made every effort to promote human rights by participating in regional and international conferences and by supporting development through United Nations and other bodies. It had placed great hopes in the Dayton Peace Agreements and supported the International Tribunal on the former Yugoslavia. It was prepared to participate in all future international gatherings concerned with human rights and to cooperate with the relevant United Nations bodies and non-governmental organizations, in the hope that respect for human rights would be strengthened in all parts of the world.

24. Mrs. SYAHRUDDIN (Indonesia) said that her delegation agreed with the need to restructure the Centre for Human Rights. However, it felt that the General Assembly should have been given the opportunity to debate restructuring proposals before any action was taken. Any changes at the Centre would have long-term consequences and should therefore be made after due deliberation and proper scrutiny in intergovernmental forums.

25. Her delegation believed that the approach taken to the right to development should be guided by the Vienna Declaration and Programme of Action and by the Declaration on the Rights to Development. Too little attention was being paid to the international context of the right to development. She recalled that, according to the Declaration on the Right to Development, States had the duty to cooperate with each other in ensuring development and eliminating obstacles to development.

26. Her delegation was unable to endorse any measures that would, in effect, transform the Centre for Human Rights from a body that existed to serve sovereign Member States into an independent body. She noted that the fundamental principles governing the High Commissioner's activities were laid out clearly in General Assembly resolution 48/141.

27. Ms. SAIGA (Japan) said that her Government was committed to the promotion and protection of human rights throughout the world and condemned all forms of discrimination and intolerance. Concern should be expressed whenever civil and political rights were infringed, because they were essential for the democratic development of States. Dialogue with the countries concerned was the most effective way to encourage States to safeguard those rights. Economic, social and cultural rights were equally important and should be recognized increasingly

as States developed. The right to development was an important human right and should be kept in mind when considering the promotion and protection of human rights in general.

28. Under its "Partnership for Democratic Development" initiative, Japan hoped to provide assistance for institution building and human resources development that would include technical cooperation in establishing legal systems, training police and administrative personnel and developing the mass media. The purpose of the initiative was to foster the development of democracy, which was essential to ensuring lasting respect for human rights. In supporting the activities of the Centre for Human Rights, Japan had made substantial annual contributions to the Voluntary Fund for Technical Cooperation in the Field of Human Rights and hoped that more countries would follow suit. The Centre should take steps to enhance its activities and improve the information that it provided on its financial situation, in order to ensure a steadier flow of technical cooperation.

29. It was regrettable that economic, social, cultural, civil and political rights were being violated in many countries. Japan would continue to express its concern about the human rights situation in such countries as Afghanistan, Burundi, Cuba, Haiti, Iran, Iraq, Myanmar, Nigeria, Rwanda and the Sudan and in the former Yugoslavia. Since the ultimate goal of the General Assembly's discussions on the human rights situation in specific countries should be to promote human rights, its resolutions should reflect the situation in those countries accurately and should balance criticism with an acknowledgement of any positive steps that had been taken, in order to encourage further efforts.

30. Japan commended the central role played by the United Nations in coordinating international human rights activities and appreciated the tireless efforts of the High Commissioner to promote respect for human rights. The use of special rapporteurs and independent experts was the best way to establish the facts in situations involving human rights violations. Japan therefore urged those countries which had been unwilling to cooperate with special rapporteurs to reconsider their position and allow them to discharge their responsibilities.

31. Member States should provide the Office of the High Commissioner for Human Rights and the Centre for Human Rights with the necessary funding and personnel to enable them to cope with their growing responsibilities. Regional cooperation was also indispensable in addressing human rights issues. Accordingly, annual symposiums were to be held in the Asian and Pacific region in order to promote cooperation on that very important issue.

32. Mr. KULLA (Albania) said that it was disturbing to note that human rights violations were being perpetrated with impunity in various parts of the world, particularly in internal armed conflicts. Albania called for the full implementation of the human rights provisions set forth in the General Framework Agreement for Peace in Bosnia and Herzegovina and hoped that the international community would continue its support for that country's institutions, including those dealing with human rights. In that connection, he underscored the need for vigilance concerning the implementation of the right of refugees and internally displaced persons to return to their homes. His delegation supported the efforts of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, the Centre for Human Rights, the

Organization for Security and Cooperation in Europe (OSCE) and other regional institutions and called for their full cooperation with those organizations by all the parties concerned. It also supported the work of the International Tribunal on the former Yugoslavia and all efforts to bring to trial persons indicated by the Tribunal.

33. Violations of the human rights of ethnic Albanians living in Kosovo remained serious. Repression by the Serbian authorities had involved the killing of ethnic Albanians, the systematic use of torture, arbitrary arrest and detention, mistreatment of political and human rights activists and the suppression of efforts to promote education in the Albanian language. The massive violations of the rights of ethnic Albanians and the acts of repression by the Serbian police were occurring at a time when efforts were being made to settle Serbs from other parts of the former Yugoslavia in Kosovo.

34. His Government commended the United Nations for its efforts to restore normal conditions in Kosovo and ensure international monitoring of the situation there. The authorities of the Federal Republic of Yugoslavia should comply without further delay with General Assembly resolutions 49/204 and 50/190 on the situation of human rights in Kosovo and allow the unconditional return of the OSCE mission to Kosovo and the establishment of an international presence for monitoring the human rights situation there.

35. Mr. COPITHORNE (Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran) recalled that, in 1995, he had received an invitation from the Government of the Islamic Republic of Iran to visit that country. The Government had also extended invitations to the Special Rapporteur on the question of religious intolerance and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression. He expressed appreciation to the Iranian authorities for their full cooperation on the occasion of his visit to that country in February 1996. He hoped to visit the Islamic Republic of Iran again in the coming months, after which he would be in a much better position to assess the situation of human rights in that country. In the meantime, he had not had an opportunity to discuss the content of his most recent report with the Iranian authorities or to verify any information independently. Nevertheless, there were a wide range of other sources available to him, including press material, and it was on that basis that he had reached an interim conclusion as to the direction that human rights seemed to be taking in the Islamic Republic of Iran.

36. He reiterated his belief that the Islamic Republic of Iran was a dynamic society, with change to be found in sometimes unexpected places. He had been informed that the country's parliament had voted to create a commission on women's affairs, two thirds of whose members were to be women. Also, during a visit by the Director-General of UNESCO to Tehran, a senior government official had asked for assistance in improving the educational levels of Iranian women in the areas of science and culture. He would be following developments in the situation in that respect. In October 1996, he had been informed that 224 prisoners had benefited from a clemency decree and that some 150 Iraqi prisoners of war had been released unilaterally by the Iranian Government. With regard to refugees, it had been reported in the press that, as a result of political disturbances in northern Iraq, large numbers of Kurdish refugees had entered Iranian territory. Although no information was available as to the exact number

of such refugees currently in the Islamic Republic of Iran, it was clear that the refugee burden on that country had once again grown. A number of his inquiries and requests for information over the past six months had received responses from the Iranian Government which would be reflected in his next report to the Commission on Human Rights.

37. Human dignity as expressed in the political culture of a society was a key indicator of the human rights environment in that society. Every death, every act of torture and every indignity carried out in the name of the State diminished its Government and, indeed, all humankind. The international community and its individual members, could speak of progress only when human dignity, particularly the dignity of life, was widely and generally respected. All peoples in all nations of the world deserved benevolent leadership, but some had never known that quality in their leaders and some leaders failed to understand its central importance in a system of humane governance.

38. He drew attention to the importance of fostering a dialogue with the Iranian Government. He believed that there was a demand for change in the country as a whole and that that prospect should be encouraged. He urged members of the Committee to recognize the cooperation that the Iranian Government had extended to his mandate thus far and to note that there was every indication that that cooperation would continue.

39. Mr. AL-HUMAIMIDI (Iraq), speaking in exercise of the right of reply to the statement by the representative of Kuwait, said that there were no prisoners of war or detainees in Iraq. There were, however, a number of missing persons, and his Government was cooperating fully with the International Committee of the Red Cross in attempting to locate them. The issue of missing persons was a humanitarian one, and his Government had no stake in concealing any information. As for allegations of human rights violations in Iraq, the motives of the Kuwaiti delegation were well known, but it was surprising that the representative of Kuwait should be shedding crocodile tears over the plight of the Iraqi people. Kuwait had been instrumental in preventing any resolution of the situation that might alleviate the pressure on Iraq. The representative of Kuwait would do better to endeavour to improve the situation of human rights in her own country: it was well known that Kuwait prevented the participation of women in public life.

40. Referring to a statement made at an earlier meeting by the representative of Australia that had contained allegations about the human rights situation in Iraq, he said that such allegations were motivated by political considerations which had nothing to do with human rights; they were not based on any real evidence and they lacked balance. The statement in question should have referred to the positive developments that had taken place recently in Iraq, such as amnesties and democratic elections; it had also overlooked the inhuman consequences of the continued economic blockade against Iraq.

41. The report of the Special Rapporteur on the situation of human rights in Iraq had been based on falsified information supplied to the Special Rapporteur by certain parties that hated Iraq. He hoped that other States would not fall victim to such misinformation campaigns.

42. Ms. AL-AWADI (Kuwait), speaking in exercise of the right of reply, recalled that the Secretary-General, in his report on the work of the Organization (A/51/1), had expressed great concern at the fact that more than 600 Kuwaiti and third-country nationals were still missing in Iraq, and had called upon Iraq to comply fully with its obligations in that regard. He had also deplored the fact that the easing or lifting of sanctions was being blocked by Iraq's continuing failure to comply with a number of obligations in the relevant Security Council resolutions. As for the political rights of women in Kuwait, the representative of Iraq was the last person to talk about human rights.

AGENDA ITEM 101: CRIME PREVENTION AND CRIMINAL JUSTICE (continued)
(A/C.3/51/L.7/Rev.1)

Draft resolution A/C.3/51/L.7/Rev.1 on measures for prevention of the smuggling of aliens

43. The CHAIRMAN announced that the draft resolution had no programme budget implications.

44. Mr. REYES RODRIGUEZ (Cuba), introducing the draft resolution, underscored the importance of ensuring the protection and humanitarian treatment of migrants. The sponsors, who had been joined by Guatemala, hoped that the draft resolution would be adopted by consensus.

45. Draft resolution A/C.3/51/L.7/Rev.1 was adopted without a vote.

AGENDA ITEM 105: REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS (continued) (A/C.3/51/L.12/Rev.1)

Draft resolution A/C.3/51/L.12/Rev.1 on follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States

46. The CHAIRMAN announced that the draft resolution had no programme budget implications. The sponsors had been joined by Austria, Belgium, Canada, Denmark, Finland, France, Greece, Italy, Iceland, Japan, Luxembourg, Netherlands, Portugal, Spain, Sweden, The former Yugoslav Republic of Macedonia and the United Kingdom of Great Britain and Northern Ireland.

47. Mr. NIKIFOROV (Russian Federation), introducing the draft resolution on behalf of the sponsors, expressed the hope that it would be adopted by consensus.

48. Mr. KULYK (Ukraine), speaking in explanation of position before the adoption of the draft resolution, reiterated his country's support for the principles and purposes set forth in the Programme of Action adopted at the Regional Conference. Ukraine strongly believed that the results of the Conference constituted a solid basis for effective follow-up action by all parties concerned and supported all the efforts already made. His country was ready to work to ensure the full implementation of the Programme of Action, which represented a delicate balance of the interests and obligations of all the

/...

countries that had participated in the Conference. Nevertheless, Ukraine regretted that it had been unable to sponsor the draft resolution under consideration because it could not accept provisions that failed to take account of its national legislation, which was still being developed. It hoped that, in preparing future decisions on follow-up activities to the Conference, the States concerned would find comprehensive solutions that accommodated the interests of the parties involved and avoided reformulating provisions that had been agreed upon at the Conference.

49. Draft resolution A/C.3/51/L.12/Rev.1 was adopted without a vote.

50. Mr. PASHAYEV (Azerbaijan), speaking in explanation of position after the adoption of the draft resolution, said that his Government attached great importance to the decisions taken at the Regional Conference, since there were 1 million refugees and involuntarily displaced persons in Azerbaijan as a result of the aggression by the Republic of Armenia and its continuing occupation of 20 per cent of Azerbaijan's territory. The implementation of the decisions of the Regional Conference, particularly with regard to the adoption of measures to eliminate the causes of involuntary displacement and facilitate the speedy return of refugees and displaced persons to their places of permanent residence, was very important. Responsibility for delays in that regard rested with the States that had brought such involuntary movements. The international community must exert all necessary pressure on those countries, including political, economic and other measures. Humanitarian assistance from the international community would be vital for the survival of millions of refugees and displaced persons until such time as political solutions were found to a number of inter-State conflicts in the Commonwealth of Independent States.

51. Azerbaijan had not sponsored the draft resolution because it contained paragraphs on which his country had expressed reservations during the discussion of the Programme of Action at the Conference. Those reservations had not been taken into account, but in view of the importance of the problem of refugees and displaced persons and in order to display a constructive approach, Azerbaijan had not opposed the adoption of the Programme of Action. Taking into account the substantial quantitative and qualitative differences between the needs of individual countries, his Government had felt that separate programmes for humanitarian assistance and assistance with recovery and development should be implemented for each country, rather than administered by a supranational structure established within the framework of the Commonwealth of Independent States for the distribution or redistribution of humanitarian and other forms of assistance. Lastly, he hoped that the international community and, in particular, the States sponsoring the draft resolution would spare no effort in carrying out their obligations with respect to follow-up activities to the Conference and would do their utmost to ensure the speediest possible return of refugees and displaced persons to their homes.

Draft resolution A/C.3/51/L.13/Rev.1 on assistance to refugees, returnees and displaced persons in Africa

52. The CHAIRMAN announced that the draft resolution had no programme budget implications.

53. Mr. TAWAH (Cameroon), introducing the draft resolution on behalf of the Group of African States, said that it paid tribute to the work of the United Nations High Commissioner for Refugees and her staff and to those African States which were providing assistance and protection for large numbers of refugees. It urged the international community to continue to fund the general refugee programmes of the Office of the United Nations High Commissioner for Refugees, taking into account the substantially increased need of programmes in Africa, particularly in the Great Lakes region. The sponsors hoped that the draft resolution would be adopted by consensus.

54. Draft resolution A/C.3/51/L.13/Rev.1 was adopted.

AGENDA ITEM 103: ADVANCEMENT OF WOMEN (continued) (A/C.3/51/L.18/Rev.1)

Draft resolution A/C.3/51/L.18/Rev.1 on traffic in women and girls

55. The CHAIRMAN announced that the draft resolution had no programme budget implications.

56. Mrs. LIMJUCO (Philippines) announced that the sponsors had been joined by Austria, Burkina Faso, Burundi, Germany, Ghana, Malaysia, Norway, Pakistan, Portugal, Spain, Sweden, The former Yugoslav Republic of Macedonia and Zambia. She read out a number of corrections to the draft resolution.

57. The CHAIRMAN noted that the delegations of Cameroon, El Salvador, Greece, Hungary, Italy, Kenya, Nigeria, Sri Lanka, Thailand and Ukraine also wished to become sponsors.

58. Draft resolution A/C.3/51/L.18/Rev.1, as orally revised, was adopted.

AGENDA ITEM 107: PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE (continued) (A/C.3/51/L.30)

Draft resolution A/C.3/51/L.30 on the International Decade of the World's Indigenous People

59. Mr. BUTLER (Australia), introducing the draft resolution on behalf of the sponsors, said that Cyprus, Guatemala, New Zealand, Nicaragua, Spain and Uruguay had also become sponsors. The draft resolution was an affirmation by the General Assembly that Member States were committed to addressing the concerns of indigenous people. It sent an important, positive signal to indigenous people around the world.

60. The following changes had been made to the text of the draft resolution: in paragraph 5, the word "meetings" in the third line had been replaced by "sessions" and the words "United Nations declaration on the rights of indigenous peoples" had been placed in quotes; at the end of paragraph 15, the words "in order to assist indigenous representatives to participate in the Working Group on Indigenous Populations and the working group charged with elaborating a draft declaration" had been added after the word "Populations"; and a new paragraph 20, the wording of which had already appeared in General Assembly resolution 50/157, had been added as follows: "Encourages Governments to consider contributing, as appropriate, in support of the achievement of the

goals of the Decade, to the Fund for the Development of the Indigenous Peoples of Latin America and the Caribbean;". Existing paragraph 20 had been renumbered as paragraph 21.

AGENDA ITEM 109: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)
(A/C.3/51/L.26)

Draft resolution A/C.3/51/L.26 on the use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination

61. The CHAIRMAN announced that the draft resolution had no programme budget implications and that a recorded vote had been requested.
62. Mr. BIGGAR (Ireland), speaking on behalf of the European Union in explanation of vote before the voting, said that the European Union condemned unequivocally the recruitment, use or financing of mercenaries and understood the concerns, in particular those of the African countries, which had led to the submission of the draft resolution. However, it felt that the report of the Special Rapporteur of the Commission on Human Rights (A/51/392) touched on a number of issues which were extraneous to his mandate and that mercenary activities could best be dealt with as a criminal matter. In that context, the request that the Centre for Human Rights address those activities did not appear justified, especially given the paucity of resources available for other, more pressing, human rights activities. The European Union therefore would not vote in favour of the draft resolution.
63. Mr. OTUYELU (Nigeria) asked why his delegation, as the sponsor of the draft resolution, had not been given the opportunity to take the floor. He recalled that delegations submitting draft resolutions were generally invited to address the Committee before it heard statements from other speakers. He regretted that, in the case of Nigeria, the usual procedure had not been followed.
64. Mr. AGGREY (Ghana) agreed that the manner of the draft resolution's presentation constituted a deviation from the usual procedure.
65. The CHAIRMAN said that she had not been aware that the representative of Nigeria wished to take the floor. The Committee had taken action on a number of draft resolutions at the current meeting and the procedure followed had been the same in each case. If the representative of Nigeria wished to address the Committee, he should do so now.
66. Mr. OTUYELU (Nigeria) said that paragraph 1 of the draft resolution should be revised to read:
- "1. Takes note of the report of the Special Rapporteur of the Commission on Human Rights on the use of mercenaries and mercenary-related activities to topple sovereign Governments and to undermine and violate the human rights of peoples and impede their exercise of the right to self-determination despite resolution 50/138;".

He then read out a number of minor revisions and announced that the sponsors had been joined by Egypt, Ethiopia, India, Liberia and Niger.

67. The CHAIRMAN noted that Afghanistan, Algeria, Cuba, Ghana, Kenya, Togo, Uganda and Viet Nam also wished to become sponsors.

68. Mr. BIGGAR (Ireland), speaking on behalf of the European Union, expressed concern that the revision to paragraph 1 appeared to confuse the concepts of human rights and the rights of peoples.

69. A recorded vote was taken on draft resolution A/C.3/51/L.26, as orally revised.

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Ghana, Guatemala, Guinea, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Jamaica, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Austria, Belgium, Canada, Denmark, Finland, Germany, Hungary, Iceland, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Albania, Andorra, Argentina, Australia, Belarus, Bosnia and Herzegovina, Bulgaria, Congo, Croatia, Cyprus, Czech Republic, Estonia, France, Georgia, Greece, Ireland, Israel, Kazakstan, Latvia, Liechtenstein, Lithuania, Marshall Islands, Micronesia (Federated States of), New Zealand, Poland, Republic of Korea, Republic of Moldova, Romania, San Marino, Slovakia, Slovenia, Spain, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, Uzbekistan.

70. Draft resolution A/C.3/51/L.26, as orally revised, was adopted by 96 votes to 17, with 37 abstentions.

71. Mr. OTUYELU (Nigeria) welcomed the adoption of the draft resolution but regretted that, as the sponsor, his delegation had not been given the opportunity to take the floor before statements were heard from other delegations. There was no doubt that, for some reason, the usual procedure had not been followed.

72. The CHAIRMAN said that the concerns of the representative of Nigeria were unfounded and his allegations uncalled for.

The meeting rose at 5.30 p.m.

UNITED NATIONS
General Assembly
FIFTY-FIRST SESSION
Official Records

THIRD COMMITTEE
41st meeting
held on
Monday, 18 November 1996
at 10 a.m.
New York

SUMMARY RECORD OF THE 41st MEETING

Chairman: Mrs. ESPINOSA (Mexico)

CONTENTS

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued)

- (b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)
- (c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)
- (d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued)
- (e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.3/51/SR.41
25 August 1997
ENGLISH
ORIGINAL: FRENCH

96-82166 (E)



/...

The meeting was called to order at 10.10 a.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued) (Parts I and II), 81, 87, 90, 114 and 204, A/51/208-S/1996/543, A/51/210 and A/51/462-S/1996/831; A/C.3/51/9)

- (b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/51/153, 170, 201, 395, 453 and Add.1, 457, 480, 506, 536, 539, 542 and Add.1 and Add.2, 552, 555, 558, 561, 641 and 650; A/C.3/51/6)
- (c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/51/80-S/1996/194, A/51/189, A/51/203-E/1996/86, A/51/204, 271, 347, 459, 460, 466, 478, 479, 481, 483 and Add.1 and Add.2, 490, 496 and Add.1, 507, A/51/532-S/1996/864, A/51/538, 556, 557, 651, 657, 660, 663 and 665; A/C.3/51/3, 8 and 10-13)
- (d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)
- (e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)

1. Mr. HAMMARBERG (Special Representative of the Secretary-General for Human Rights in Cambodia), reporting to the Committee, said that his mandate was to maintain contact with the Government and people of Cambodia, to guide and coordinate the United Nations human rights presence in Cambodia and to assist the Government in the promotion and protection of human rights. During his mission to Cambodia he had had meetings with leading representatives of the Administration and the judiciary, parliamentarians, members of civil society and non-governmental organizations working to promote human rights.

2. The existence in Cambodia of an office of the United Nations Centre for Human Rights and its collaboration with other United Nations agencies such as the United Nations Development Programme (UNDP), the United Nations Children's Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) had made it possible to coordinate activities and had contributed significantly to the progress made. The aim of the direct discussions with the Government was to assist it to develop a human rights culture and build effective safeguards against violations. Technical and financial support from the international community was necessary to improve the situation.

3. The Cambodian Constitution explicitly protected the rights of the child. A Cambodian National Council for the Children, with non-governmental participation, had been set up to coordinate child-related programmes. Human rights education had been incorporated in the curricula of the primary and secondary schools, and the Government was drafting a report on the implementation of the Convention on the Rights of the Child, and maintaining constructive cooperation with UNICEF. However, child prostitution and

trafficking in children were becoming a serious problem. A law providing heavy sentences for kidnapping, trafficking, sale and exploitation of human beings had been adopted but had not yet entered into force for lack of a detailed implementing decree. The attempts made to combat child prostitution were being undermined by private interests. There was therefore a need for an awareness campaign to fight against that abuse, for which international cooperation was required.

4. Many children were the casualties of land mines, which beyond the deaths and injuries they caused, had serious repercussions on the economy. Despite admirable mine-clearance efforts, there was much work ahead and international support was indispensable. Although the Government had stopped importing anti-personnel mines, no law prohibiting the production, stockpiling and use of land mines had yet been adopted.

5. The functioning of the justice system was another basic problem. The courts were badly equipped and judges badly paid, which endangered their independence. In order to raise professional standards in the field of human rights and the administration of justice, the Center for Human Rights ran a judicial mentor programme providing judges with training that the Government would like to have extended also to local civilian and military police, prison personnel and local authorities.

6. The judiciary had to deal with the challenge of impunity. De facto impunity seemed to stem from the entrenched power of the armed forces and the police. De jure impunity stemmed from a 1994 civil service law, article 51 of which stipulated that except in cases of flagrante delicto, no civil servant could be arrested or prosecuted for any crime without the prior consent of the Government or of the minister concerned. Article 51 had been found contrary to the basic principle of equality of all persons under the law. It was therefore significant that the Second Prime Minister in the Administration had indicated that he supported its repeal.

7. Some structural problems also needed to be addressed. The Supreme Council of Magistracy, which had been set up in 1994 to appoint, transfer and discipline judges and prosecutors, had yet to meet, and no law had been drafted to define the organization and operation of the Constitutional Council. As a result, there was no legal forum in Cambodia to determine the constitutionality of various proposed laws.

8. Both major parties in the Government had made unequivocal statements that the coming national and municipal elections in 1998 would be free and fair, and had asked the armed forces and members of the electoral commission to remain neutral. All the political parties would have free access to the media, the confidentiality of the balloting would be guaranteed, and national and international non-governmental organizations would be able to send observers. Nonetheless, Cambodia ought to adopt laws concerning the electoral code, the right to form a political party and the Constitutional Council. An independent electoral commission was indispensable for the conduct of the elections and would allow political violence to be averted. Some of the opposition parties and some journalists had been attacked and intimidated, yet no suspects had been identified, arrested or prosecuted.

9. In spite of the enormous difficulties inherited from the past, Cambodia was developing and building for the future. Most parts of the country were at peace, and dynamic non-governmental organizations were taking part in the effort. However, the situation was fragile, and the coming elections would be both a challenge and a difficult test for the country.

10. Mr. VAN DER STOEL (Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq) informed the Committee that the indiscriminate bombardment and the tank assault against civilian settlements by Iraqi troops, as well as the wave of arbitrary arrests and summary executions and the massacres that had followed, had caused many deaths and injuries and a great deal of damage in northern Iraq, where the Iraqi security services had become entrenched, to the great fear of the population. The use of excessive force on that occasion, clearly on the orders of the Iraqi Government, was in violation of the norms of international law and international human rights instruments.

11. Respect for the right of the Iraqi population to food and adequate health care was also called into question by the rationing system set up by the Government, which protected the elite of the Baath Party and the Iraqi military, but served as a way of subjugating the population to discourage any opposition and retaliating against the population in the south of the country, which was suspected of being hostile to the Iraqi regime. Such practices were contrary to the obligations undertaken by Iraq under international humanitarian law, which prohibited all discrimination with regard to access to food and health care. Noting with interest the announcement, on 12 September 1996, that the internal embargo imposed by the Government against the north had been lifted, an embargo which it had always denied before, the Special Rapporteur said that, in view of the Government's record, the United Nations was entitled to call for the establishment of an independent monitoring mechanism for the implementation of Security Council resolution 986 (1995) and, in particular, of the "food for oil" formula (which, after years of delay, the Iraqi Government had finally decided to accept), in order to ensure that the food thus obtained went to those most in need of it. While, under the memorandum of understanding signed by the United Nations and Iraq in order to permit the sale of billions of dollars of oil in order to purchase the food and medicine which the Iraqi population desperately needed, the United Nations duly acknowledged Iraqi sovereignty over its territory and resources, Iraq, in turn, should accept the stationing of an adequate number of qualified monitors throughout the country with complete freedom of movement.

12. With regard to the nature of the Iraqi political regime, the Special Rapporteur said that the March 1996 elections had provided further evidence that the basis of authority of Iraq was not the general will of the people since the candidates in those elections had been chosen by State bodies and all elected deputies had had to swear their support for the principles of the Baath Party. Furthermore, the 30 deputies representing northern Iraq had not been elected by the population, but had been appointed by the President of the Republic, who, as the President of the Republic, Chairman of the Revolution Command Council, Commander-in-Chief of the Armed Forces, Secretary-General of the Baath Party and head of security, held all the power in the country.

13. Referring to the systematic use of enforced disappearances by the Iraqi regime to instil fear in every citizen, the Special Rapporteur said that there were 17,000 individual cases of disappearance from all over the country and over 600 cases of Kuwaiti and third-country nationals who were still missing six years after they had been arrested by the Iraqi forces occupying Kuwait. In the vast majority of cases, the Iraqi Government had not seen fit to respond to requests for information by the families, who were confronted with uncertainty about the fate of their disappeared relatives. The United Nations should not allow the Government of Iraq to ignore so brazenly its obligations under international law.

14. Pending the submission of his more detailed and comprehensive final report to the fifty-third session of the Commission on Human Rights, the Special Rapporteur concluded that, in order to put an end to the suffering of the population and enable it to enjoy its economic, social and cultural rights, the Iraqi Government must immediately cease its repression, abrogate its cruel laws, dismantle its security apparatus and cooperate with the United Nations to implement the Security Council resolutions and particularly the "food for fuel" formula without further delay in order to promote peace and security in the country and the region.

15. Mr. AL-HUMAIMIDI (Iraq) expressed regret that the Special Rapporteur had merely repeated the same accusations that were as resolutely hostile to Iraq as those of previous years, instead of demonstrating the non-selectivity, impartiality and objectivity required of his position, as indicated in General Assembly resolution 50/174.

16. Refuting the so-called reliable sources of the Special Rapporteur as being linked to other States or in the pay of the United States secret services, the representative of Iraq said that the accusations concerning the violation of the political and civil rights of the Iraqi population by means of laws imposing cruel and inhuman penalties, which those sources had reported, were totally groundless since those laws had been repealed, as the Centre for Human Rights and other international bodies could confirm. Those accusations as well as the references by the Special Rapporteur to the nature of the political regime in Iraq were based on an obvious desire to tarnish the country's reputation. How else could one explain the refusal by the Special Rapporteur to recognize the good will of the Iraqi Government demonstrated by the fact that it had declared a general amnesty in the Kurdish autonomous region, pardoned persons sentenced to death, set up people's councils and organized a referendum to designate the President of the Republic in order to strengthen respect for human rights and democracy in the country.

17. In reply to the accusations concerning the right to food and adequate health care, his delegation stressed once again that the system for rationing basic products introduced in 1990 because of the economic sanctions imposed against Iraq applied to all Iraqi citizens without exception or discrimination, which the United Nations missions that had travelled to Iraq and several reports by international organizations could confirm. The delay in implementing Security Council resolution 986 (1995) and particularly the "food for oil" formula was explained by the slow pace of the negotiations on the signing of a memorandum of understanding between the United Nations and Iraq, which was due to the endless interference and delaying manoeuvres by the United States

authorities, who had aggravated the sufferings of the Iraqi people and infringed their basic rights, particularly the right to life, personal security, food and adequate health care, education and other social services, all the while casting the blame on the Iraqi Government.

18. As for the situation in the northern part of the country and particularly the arbitrary detention and arrests and the bombardment, of which the civilian population had allegedly been the victim, the representative of Iraq explained that, although the central Government had intervened, it had done so at the express request of one of the two Kurdish parties, within the framework of a short-term and limited operation which had caused no civilian victims, as the independent monitors and officials of the United Nations in the field could confirm. On the other hand, the missile attack launched in retaliation by the United States in the southern region of the country causing substantial loss of life, an attack that had been condemned by the international community, constituted a violation of the inalienable right of the Kurdish people to express freely their will without foreign interference and was part of a deliberate campaign by the United States authorities aimed at bringing about the disintegration of the Iraqi State and undermining the national unity and territorial integrity of a sovereign State.

19. Mr. DEGNI-SEGUI (Special Rapporteur of the Commission on Human Rights) said that he had been on mission to Rwanda from 18 to 21 October 1996 in order to investigate the genocide, human rights violations and the problem of the return of the refugees.

20. The genocide gave rise to two distinct possibilities: the investigation of it and the legal action taken against the perpetrators. The investigation had been conducted on two levels: the first, consisting in determining the profound causes of the hostilities, which were at once political, historical, economic, social and cultural; and the second, which concerned the particular situation of vulnerable groups, namely women (the victims of rape, which had been a weapon of war with all the resulting psychological and social turmoil), children, who had frequently been used by the belligerents as instruments for carrying out their crimes but were also innocent victims, and the Twa minority group, which had been the target of the two parties to the conflict.

21. As far as proceedings were concerned, despite very modest achievements (the International Tribunal for Rwanda had begun the trials on 26 September 1996, Rwandan courts had been re-established, States of asylum had initiated proceedings against the presumed perpetrators), it should be noted that only 25 out of 400 suspects had been indicted and that none of the presumed perpetrators had been brought to trial. The basic reason for that situation was the failure of States providing refuge to the presumed perpetrators to cooperate, despite the recommendations to that effect in Security Council resolution 978 (1995). Such failure to prosecute the presumed perpetrators of the genocide was morally and socially unacceptable to the international community in general and to the victims of the genocide in particular. That distressing situation was compounded by the concern over the increase in human rights violations. It was true that violations of property rights were declining, with disputes over vacant property being estimated by the country's authorities at 10 per cent. Moreover, such disputes were basically limited to the large towns and to the region of Bugesera. That improvement was attributable to the construction of

dwellings and the management of vacant property by the burgomasters who rented it to repatriated former refugees. However, the situation could be complicated by a massive return of people.

22. Violations of the freedom of expression took the form of censorship, intimidation, violations of physical integrity, abductions and assassinations.

23. There was a relative decline in the violations of the right to personal security (arbitrary arrests and detentions of persons accused of participation in the genocide), interspersed with two periods of political tension which had led to a wave of arrests. First, the April/May 1996 round of censuses had touched off a hunt for the perpetrators of the genocide. Second, there had been the July/August searches aimed at finding and arresting infiltrators, pursuant to the Act of 8 September 1996 amending the Code of Penal Procedure, based on article 4 of the International Covenant on Civil and Political Rights, to legalize the practice of arbitrary arrests and detentions. Despite the construction of prisons and the rehabilitation of existing detention centres, such arrests had worsened overcrowding in prisons, triggering a more than threefold increase in the number of inmates.

24. Violations of the right to physical integrity and to life, which had declined somewhat in 1996, had increased from June onwards because of the activities of infiltrators, who had carried out acts of sabotage and assassinations, and had laid mines, and because of the brutal response of Rwandan Patriotic Army (APR) forces (rounding up of people, abductions, summary executions, and even massacres). The conflict between APR and the infiltrators had created a situation of insecurity along the borders with Zaire.

25. The problems of the return of the refugees jeopardized the new strategy of the Office of the High Commissioner for Refugees, adopted on 11 October 1996 by the Executive Committee, aimed at bringing about accelerated repatriation (gradual closing of the camps, processing of individual requests for refugee status, strict application of the exclusion clause with regard to alleged perpetrators of genocide, their separation from other refugees and handing over to the International Tribunal). The current military, political and humanitarian crises in Zaire had completely disrupted that entire strategy. That conflict, which was rooted in the continuing presence of masses of Rwandan refugees on Zairian soil, triggered a mass exodus of refugees towards regions that were inaccessible to humanitarian organizations. In the face of such a grave crisis, the international community had hesitated for a long time before taking action.

26. Given the urgency of the situation, he recommended that the United Nations should: immediately take appropriate steps to deploy the international force established by the Security Council to dispatch emergency assistance to the refugees and repatriate such refugees in conditions of security and dignity; substantially increase the number of human rights observers and deploy them along the humanitarian corridors and in the main reception centres; provide resources to the international and non-governmental organizations in order to enable them to provide protection and humanitarian assistance to the refugees streaming into Rwanda; urgently convene an international conference on the Great Lakes region in order to resolve all the problems, and convene, if necessary, an extraordinary session of the Commission on Human Rights to specifically consider

the protection of human rights; adopt confidence-building measures to prevent the outbreak of a widespread conflict. In the short and medium terms, the United Nations should make available to the International Tribunal sufficient human and material resources to enable it to carry out its mission; request States to extradite for trial persons sought by the International Tribunal whom they allowed to remain in their territory; assist the Rwandan Government in initiating and carrying out the prosecution of the alleged perpetrators of the genocide; lastly, call upon the Government of Rwanda to take steps to ensure that human rights and fundamental freedoms were respected.

27. Mr. CUMARASWAMY (Special Rapporteur on the Independence of Judges and Lawyers), speaking also on behalf of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, introduced the interim report on the situation of human rights in Nigeria. The international community was deeply concerned about the situation in that country, especially since the execution of Mr. Ken Saro-Wiwa and eight other Ogoni leaders, following a trial that had fallen well short of international standards for a fair trial. Consequently, it had been decided, pursuant to Commission on Human Rights resolution 1996/79, to call upon the Nigerian Government to accede to the request of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions and the Special Rapporteur on the Independence of Judges and Lawyers to pay a joint visit to Nigeria.

28. However, despite an extensive exchange of communications, it had not been possible to reach agreement on the dates and modalities of such a visit. The Special Rapporteurs had therefore been unable to undertake their mission prior to the finalization of the interim report. The Nigerian Government, while reiterating its commitment to acceding to the request of the Special Rapporteurs, had indicated that it had recently had to cope with a number of successive visits to Nigeria, including from the United Nations, the African Commission on Human and People's Rights, and the Commonwealth Ministerial Action Group. Consequently, it had become difficult for the Nigerian Government to accede to the request for a new mission in the specified time-frame. However, after a date had been set, the question of the mission's duration had in turn been the subject of an exchange of communications. After consultations with the Permanent Representative of Nigeria to the United Nations Office at Geneva, it had been decided that in view of the size and diversity of Nigeria, it would be advisable for the visit to last 20 days. The Nigerian Government, expressing the view that there was no compelling reason to extend the visit beyond eight days, and that the decisions concerning the itinerary, as well as places and persons to be visited, should be mutually agreed between the Special Rapporteurs and Nigerian officials, had gone back on its decision to welcome the Special Rapporteurs on the proposed dates and had, since that time, left the issue in limbo. In the view of the Special Rapporteurs, that clearly demonstrated the recalcitrant attitude of the Government of Nigeria.

29. While the Nigerian Government emphatically professed its commitment to the transition to civilian rule and respect for human rights, its actions demonstrated something far different. The country was governed by military decrees and the rule of law was not respected. Some journalists, lawyers and human rights activists, including lawyers Gani Fawehimni and Beko Ransome-Kuri, who had criticized the Government and questioned the legality of its actions, had been arbitrarily detained without trial or sentenced to prison by special

tribunals, and were imprisoned under horrid conditions. Mr. Beko Ransome-Kuti, in particular, was said to be suffering from malaria and malnutrition. Generally speaking, most detainees often went hungry, were deprived of medical care and were said to be subjected to ill-treatment and even torture.

30. Numerous allegations had been received concerning the excessive use of force by the police or military in carrying out arrests during demonstrations, which had led to numerous deaths. Recently, in Kaduna, about 50 demonstrators had been killed when the police had indiscriminately fired upon a crowd.

31. The Nigerian Government's indifference to world opinion had once again been demonstrated a few days earlier, when that country's authorities had detained three members of Amnesty International, who had, however, been released shortly thereafter. In view of the unacceptable nature of such human rights violations, the General Assembly must express its deep concern over the recalcitrant attitude of the Nigerian Government to world opinion and adopt measures that were commensurate with the magnitude of human rights violations that had been and continued to be committed by the Government of Nigeria.

32. Mr. EGWA (Nigeria) said that his Government, like all the other States Members of the United Nations, was working to promote human rights and cooperating with the relevant United Nations agencies. The Special Rapporteur appeared to have been inadequately informed about the actual situation in Nigeria, and some aspects of his report appeared to be based on rumours.

33. With regard to the visit by the special rapporteurs to his country, he stressed that his Government had done everything in its power to make it possible. Furthermore, it should be pointed out that Nigeria had recently been visited by many United Nations missions, and they had been successful, as was clear from the evidence contained in reports issued subsequently. His Government emphasized that it was therefore not at all opposed to a visit by the special rapporteurs, but that, naturally, the timing of such a visit should be agreed upon in advance by the parties if it was to take place in favourable circumstances. His Government, in an exchange of letters with the special rapporteurs, had suggested dates for their visit, and his delegation had no knowledge of any move by his Government to postpone that visit. His Government in no way intended to complicate the task of the special rapporteurs; on the contrary, it reasserted its resolve to cooperate with them in carrying out their mandate.

34. As for the cases of Mr. Gani Fawehimni and Mr. Beko Ransome-Kuti, who were still imprisoned, it should be pointed out that they were being well treated and were in good health. They were represented by a lawyer and received daily visits from members of their families. His delegation was sure that his Government and the special rapporteurs would shortly agree on a date for a visit to Nigeria.

35. Mr. VENUSTE (Rwanda) said that the Special Rapporteur's report on his country (A/51/657) highlighted three questions of major importance for both the international community and the Rwandan Government, namely, the progress of efforts to bring to trial those involved in the genocide, possible violations of human rights in Rwanda and the return of refugees.

36. It was important to realize that his Government was not to blame, but should rather be supported in its efforts to rebuild and restore the country and repatriate the refugees. The situation in Rwanda was the direct consequence of genocide, the perpetrators of which had not been brought to justice. Justice had to be respected, impunity opposed and the rule of law re-established. To that end, all States should support and assist the International Tribunal for Rwanda and help to strengthen the Rwandan judicial system.

37. His Government, for its part, was doing everything within its power to fight against impunity and had recently passed laws punishing the crime of genocide. Despite the difficulties faced by the Rwandan courts in carrying out their task successfully, the trials of the suspected perpetrators of genocide should begin without further delay. As for the administrative mechanisms that had been set up, such as the sorting commissions or the commissions for settling land disputes, it must be acknowledged that they had been created in exceptional circumstances, as a result of the genocide, which explained their possible imperfections. Lastly, his delegation welcomed the return of refugees, which had begun a few days previously, and hoped that the return would be carried out in such a way as to respect human rights and further the social reintegration of the refugees.

38. Mr. OULD SID'AHMED (Mauritania) said that while the promotion of peace and security was one of mankind's main objectives, the world continued to be faced with ethnic conflicts and wars which had a variety of origins. It was not only up to the military and political authorities to solve those problems; culture and thinking were also increasingly playing a role. UNESCO was working to guarantee the free exchange of ideas and greater intercultural awareness. He paid tribute to the Director-General of UNESCO for his efforts to ensure the success of the broad-based UNESCO project entitled "Towards a culture of peace". His Government was enthusiastic about the idea of a culture of peace, and was ready to cooperate with UNESCO in reaching the project goals. He urged all Member States to do the same.

39. He added that, since 1986, his Government had been implementing a general democratization programme which had led to a multi-party State and freedom of the press, as shown by the 30 or so daily papers and magazines that appeared every day, allowing the free dissemination of ideas.

40. Mr. RABIA (United Arab Emirates) said that his delegation, having carefully read the report by the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitrary executions (A/51/457), challenged the untruthful remarks in some paragraphs of the report on the legal and judicial systems of the United Arab Emirates.

41. Those systems, based as they were on the Shariah, were characterized by tolerance and respect for human rights. It was therefore disturbing to note just how little the Special Rapporteur knew about criminal procedure in his country and the rigour with which the relevant authorities carried out investigations in order to avoid any injustice.

42. In paragraphs 27, 81 and 85 of his report, the Special Rapporteur suggested that the United Arab Emirates intended to carry out extrajudicial executions, which was completely untrue. The fact was that the Special Rapporteur's

assistants had gleaned their information from ill-intentioned people who knew nothing of the realities in his country. For example, in the case of the Filipino girl found guilty of murdering her employer, the Special Rapporteur, who referred to that case on several occasions, omitted to mention that she had been granted an amnesty and had returned to her own country. In that connection, it should be pointed out that the judicial system based on the Shariah provided for the death penalty in such cases. However, the death penalty was very rarely carried out and, even then, only by presidential decree.

43. Information on human rights must be collected with the utmost objectivity, particularly in the case of extrajudicial executions. For its part, the Government of the United Arab Emirates respected human rights and the rules of international law, as well as the language, culture, customs and beliefs of foreigners resident in its national territory, as required by the laws of Islam.

44. Mrs. FERRARO (United States of America), speaking on agenda item 100 (d), said that the Vienna Declaration and Programme of Action were a vital landmark in the development of human rights and the most comprehensive and far-reaching affirmation of human aspirations in that area. The Declaration reaffirmed the universality of those rights, which thus belonged to everyone; no State could deny the right of its people or others to defend human rights throughout the world. The Programme of Action aimed to give substance to that principle of universality by reminding States of their solemn commitment, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms. In particular, the two documents recognized the full equality before the law of ethnic, religious and national minorities, and stipulated that States should ensure that those minorities were able to exercise their fundamental rights without discrimination.

45. Nevertheless, some countries seemed to have trouble understanding terms like "solemn commitment" or "universal respect". The gulf between their words and their deeds made their commitment suspect, to say the least. Yet there were forces which no State could resist, such as the movement towards equal women's rights. The Vienna Declaration, in its recognition that the fundamental rights of women and the girl child were an inalienable and indivisible part of universal human rights, and in its affirmation that equal participation by women in social life and the eradication of all forms of discrimination on grounds of sex should be two priorities of the international community, had paved the way for the holding in Beijing of the Fourth World Conference on Women, where the spirit of Beijing had been summed up by President Clinton's wife when she had said: "Women's rights are human rights and human rights are women's rights". Those historic words were not just another catch-phrase, to be tossed aside when the spotlight moved on to other subjects, but words full of meaning for Americans.

46. The Government of President Clinton had always sought to empower women to take their rightful place in public and private life, and they had played a substantial role in his Administration, allowing them to make their contribution to the drafting of the Vienna Declaration and Programme of Action. Keen to give effect to the recommendations of the Beijing Platform for Action in the United States, the President had immediately established an inter-agency council on women, which was instructed to identify ways in which the Federal Government could implement the Platform. Subsequently, the Labour, Commerce and Justice

Departments and the Departments of Agriculture and Health had launched various programmes aimed at enhancing the status of women in American society.

47. The Vienna Conference had set the international community a challenge which it could not be sure of meeting. But, despite the scale of the task, it should not give up. Rather, it should consider the ideals embodied in the Declaration as a kind of universal conscience and a benchmark against which it could measure both of its achievements and its shortcomings.

48. Mr. NAJEM (Lebanon) said that Israel continued to occupy large areas of southern Lebanon, in blatant contravention of United Nations resolutions, notably Security Council resolution 425 (1978), and all the resolutions on human rights, in particular those of the Commission on Human Rights. Those rights, to which Lebanon remained deeply attached, were flouted daily by the Israeli occupation forces, whose actions in Lebanese territory constituted a flagrant violation of the fourth Geneva Convention of 1949, the Hague Convention IV of 1907, the rules of international law and the Charter of the United Nations.

49. Israeli forces were committing all kinds of abuses in southern Lebanon: the destruction of homes and the confiscation of property; the arrest of Lebanese citizens and their detention for years without trial in camps situated in Lebanese territory and even in Israel; the indiscriminate shelling of villages by heavy artillery; and air raids against both economic and civilian objectives, such as the United Nations refugee camp in Qana, which was bombed deliberately by the Israeli air force on 16 April 1996, leaving 100 innocent victims, the majority of them women and children. All such practices were nothing more than acts of terrorism.

50. The Commission on Human Rights had adopted numerous resolutions condemning Israel's persistent violations of human rights in southern Lebanon and calling upon that country, as the occupying power, to respect the Geneva Convention and to desist from arbitrary practices. Yet Israel gave no heed to those resolutions, as if it considered itself above the law. Lebanon therefore urged the international community to fulfil its obligations and insist that Israel should respect the instruments which constituted international law, in particular resolution 425 (1978), in which the Security Council called upon Israel to withdraw from Lebanon as far as the internationally recognized boundaries. If the human rights situation were to be improved and peace achieved in the region, the Israeli forces must first withdraw from Lebanon.

51. Mr. NDIAYE (Special Rapporteur on extrajudicial, summary or arbitrary executions) said that his report (A/51/457) focused on the need to afford greater protection to the absolutely fundamental, and yet most threatened right of all, the right to life. Under the constant supervision of the Commission on Human Rights, he examined situations which constituted violations of that right, namely the imposition of capital punishment; death threats and fear of imminent extrajudicial, summary or arbitrary executions; deaths in custody; deaths attributable to the use of force by law-enforcement officials; violations of the right to life during armed conflicts, especially of the civilian population; the expulsion or refoulement of persons to countries in which their lives were in danger; genocide and ethnic conflicts; breaches of the obligation to investigate all alleged violations of the right to life; breaches of the obligation to provide compensation to victims or their families.

52. While he lacked the human resources which would enable him to discharge his mandate throughout the world, he had attempted nevertheless to streamline his working methods, his sole concerns being the fate of victims, impartiality, absolute independence and the need for dialogue both with those who made allegations of extrajudicial, summary or arbitrary executions and those whose obligation it was to respond to them. He had also sought to monitor the progress of those allegations by sending follow-up communications to Governments which had not responded to the allegations or which had responded in a manner which could not be considered satisfactory. He had transmitted urgent appeals in cases where there was a fear of imminent execution and had made an ever increasing number of joint urgent appeals with other Special Rapporteurs and independent experts. He had also made recommendations with a view to preventing violations of the right to life.

53. Even as he spoke, women, children and older persons were fleeing death - or rather running to their deaths - in the Great Lakes region. Nothing had been done to avert that catastrophe, although it was all too clear that it had been simmering in the refugee camps, where the authors of the genocide and the systemic campaigns of political assassinations had sought cover behind populations whom they had kept under their yoke. Still nothing had been done to stop that tragedy and prevent criminals and innocents alike from being collectively condemned to certain death at the hands of their brothers, who were unable to distinguish between vengeance and justice.

54. On another scale and in another region, he had been powerless to prevent the murder on 13 October 1996 of Josué Jiraldo, a Columbian human rights activist and member of Unión Patriótica, on whose behalf he had twice appealed to the Colombian Government to protect him from the paramilitary groups who had threatened his life.

55. The report he was introducing was a pale reflection of those atrocious realities and of the feeble efforts made to put an end to them. In outlining the situation in 91 countries on every continent, he was attempting to show the extent of violations of the right to life - of persons exercising their right to freedom of opinion and expression; of members of national or ethnic, religious or linguistic minorities; of those who rejected the law of the strongest; and of women and children, who were often victims of summary executions, particularly when they were forced to flee by famine or civil war, or when they found themselves in towns under siege or which were surrounded by minefields, as had been the case in Angola, Bosnia and Herzegovina, and Chechnya.

56. Since 1992, he had made urgent appeals on behalf of 6,500 individuals, as well as innumerable groups of refugees, displaced persons and those under siege or forced to flee their countries. Information on more than 9,000 cases had been studied and transmitted to the Governments involved. He had been invited to make a number of on-site visits by cooperative Governments and United Nations missions. He had, for example, made three visits to the former Yugoslavia in 1992, accompanied by the former Special Rapporteur, Mr. Mazowiecki, and two visits to Rwanda (before and after the genocide). He had also visited Peru, Colombia (together with the Special Rapporteur of the Commission on Human Rights on questions relating to torture), Indonesia and East Timor, and Papua New Guinea. In 1996, he had attempted in vain to visit Nigeria, together with another Special Rapporteur. He had received invitations from the Governments of

Algeria, Sri Lanka and the United States. He had been trying for several years to go to China, Turkey, India, Bangladesh and Tajikistan, and, for one year to go to Mexico. While those visits had commanded attention, the same could not be said of his recommendations, which were ignored both by the majority of Governments currently in power and by the other bodies of the United Nations.

57. He had focused on three issues in particular: the death penalty impunity and the prevention of human rights violations through cooperation among Governments, organs of the United Nations and non-governmental organizations.

58. With regard to capital punishment, while some countries, such as the new South Africa, had abolished it, believing it to be not only a violation of the right to life, but the most cruel, inhuman and degrading type of treatment, other countries had expanded the application of the death penalty. Thus, the United States, China and Côte d'Ivoire, to name but a few, had broadened the scope of the penalty, in flagrant violation of article 6 of the International Covenant on Civil and Political Rights, and other countries, such as Egypt and Belarus, had deprived those facing the death penalty of essential safeguards in respect of judicial procedure. He requested the General Assembly to adopt a resolution urging all Governments to ensure the abolition of the death penalty by the year 2000 and to adopt interim measures, such as a six-month period between sentencing and execution, so as to reduce arbitrary sentences to a minimum and to allow for the execution of appeals. In view of the large number of deaths in custody as a result of excessive use of force, torture, the lack of care and inhumane conditions of detention, he had proposed that the Commission on Human Rights should be requested to designate a special rapporteur on prison conditions.

59. With regard to the question of impunity, he had expressed appreciation to the International Law Commission for submitting the draft Code of Crimes against the Peace and Security of Mankind. He had also welcomed the establishment of the International Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, despite the enormous difficulties with which they had to cope. Efforts should continue for the establishment of an international criminal court to combat the impunity enjoyed by the perpetrators of the most serious crimes against humanity, the worst war criminals and the worst violators of human rights, who went unpunished as a result of defunct or seriously flawed judicial systems and pro domo amnesty laws.

60. As to the prevention of human rights violations, he recalled the indifference with which his report on Rwanda, prepared shortly before the genocide had been greeted, it was hardly reassuring to be told continually that he should from then on address himself to United Nations High Commissioner for Human Rights, who, however well-intentioned, did not have effective means available for preventing humanitarian disasters. In that connection, he had recommended that States should make greater efforts to prevent genocide, rather than intervening when it was clearly too late. In his view, a mechanism should be put in place to monitor the implementation of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.

61. Mr. REYES RODRIGUEZ (Cuba) requested the Special Rapporteur, first, to specify the admissibility criteria that were applied, in terms of the plausibility, objectivity and credibility of the reports, when it came to

66. Mr. OTUYELU (Nigeria) drew the Committee's attention to the fact that the Special Rapporteur of the Commission on Human Rights, in submitting his report on Nigeria, had stated that many persons had been sentenced by a special tribunal and executed. While intending to comment subsequently on the political aspects of the Special Rapporteur's statement, he wished to ask the Special Rapporteur on extrajudicial, summary or arbitrary executions whether there had been any executions in Nigeria since that of Mr. Saro-Wiwa. In addition, he noted that malaria occurred not only among prisoners, but among the entire Nigerian population. Lastly, with regard to the demonstrators killed by police in Kaduna, he said that the police, too, were entitled to defend themselves.

67. Mr. NDIAYE (Special Rapporteur on extrajudicial, summary or arbitrary executions) said that he would refrain from commenting on the joint report on Nigeria submitted by the two Special Rapporteurs of the Commission on Human Rights. He suggested that the Nigerian representative should put his questions to Mr. Cumaraswamy, who had delivered an oral presentation of the report.

68. The special tribunals in Nigeria did not observe the minimum safeguards relating to judicial impartiality and the right to a defence. He hoped to discuss a reform of those tribunals with the Nigerian Government; unfortunately, however, the Government had not yet given him the opportunity to do so.

69. With regard to the inter-ethnic tensions, it was the Government's obligation to prevent them and, if they occurred nonetheless, to use the police in a manner consistent with the rules governing the use of force by those responsible for enforcing the laws, the aim being to neutralize, not to kill. He hoped that the Government would allow the two Special Rapporteurs to visit Nigeria so that they could discharge their mandate.

70. Mr. OTUYELU (Nigeria) reiterated that there had been no executions in his country since that of Mr. Saro-Wiwa.

The meeting rose at 12.40 p.m.

transmitting to Member States communications received by the Centre for Human Rights and the Special Rapporteur, and, second, with regard to the right to life, to indicate how the distinction could be preserved between arbitrary executions and the application of the death penalty in accordance with the laws of each country and the right of each State to impose such a penalty, subject to the appropriate safeguards.

62. Mr. NDIAYE (Special Rapporteur on extrajudicial, summary or arbitrary executions) said that he welcomed the opportunity to engage in a dialogue with delegations in order to strengthen the rights which all members of the Committee were presumed to uphold, including the right to life. The admissibility criteria had been defined earlier in the report which he had submitted to the Committee in 1993. He received allegations from various sources, including a number of non-governmental organizations and other organizations and individuals. His role was simply to transmit the allegations, which did not originate with him, but with the organizations that transmitted them to him. The credibility of such organizations could not always be assessed, especially in the case of organizations unfamiliar to him. He endeavoured subsequently to assess the degree of accuracy of the allegations. When the facts of a case were sufficiently well established and clearly presented, the Government concerned should be able to confirm them without difficulty. He and his two assistants in Geneva could not be expected to undertake that task. It fell to Governments to fulfill their obligation to investigate the allegations, and to him to monitor the way in which they did so. Moreover, in order to avoid having to go through massive reports to select the information to be transmitted, he had drawn up a questionnaire in 1995 addressed to his informants (non-governmental organizations and the like).

63. With regard to the distinction between summary executions and the death penalty, he believed that one could not consider depriving a person of his life without providing adequate safeguards, involving, first, verification of the facts of the case, and, second, the rules promulgated by the Economic and Social Council for the treatment of prisoners under the sentence of death. In particular, the safeguards involved protection of the right to a defence, the right to be assisted by a lawyer and an interpreter, and protection against torture. Once a person had been sentenced to death, an appeals procedure should be initiated in order to obtain a review of the facts of the case, and, second, the rules promulgated by the Economic and Social Council for the treatment of prisoners under sentence of death. In particular, the safeguards involved protection of the right to a defence, the right to be assisted by a lawyer and an interpreter, and protection against torture. Once a person had been sentenced to death, an appeals procedure should be initiated in order to obtain a review of the facts of the case. If the court confirmed the death sentence, the condemned person should have the right to seek pardon.

64. Mr. KRA (Côte d'Ivoire) said that, while the death penalty was provided for by law, it had not been applied in his country for over 30 years.

65. Mr. NDIAYE (Special Rapporteur on extrajudicial, summary or arbitrary executions) said that, while he concurred with the previous speaker, he was concerned about new laws which could lead to application of the death penalty or entail a speed-up in procedure inconsistent with the minimum safeguards that should be provided to persons under sentence of death.

UNITED NATIONS

General Assembly

FIFTY-FIRST SESSION

Official Records

THIRD COMMITTEE
42nd meeting
held on
Monday, 18 November 1996
at 3 p.m.
New York

SUMMARY RECORD OF THE 42nd MEETING

Chairman: Mrs. ESPINOSA (Mexico)

CONTENTS

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued)

- (a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/51/L.32)
- (b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)
- (c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)
- (d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued)
- (e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued)

AGENDA ITEM 103: ADVANCEMENT OF WOMEN (continued)

AGENDA ITEM 106: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued)

AGENDA ITEM 107: PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE (continued)

AGENDA ITEM 109: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.3/51/SR.42
13 August 1997

ORIGINAL: ENGLISH



The meeting was called to order at 3 p.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued) (A/51/3 (Parts I and II), A/51/81, 87, 90, 114, A/51/208-S/1996/543, A/51/210 and A/51/462-S/1996/831; A/C.3/51/9)

- (a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/51/L.32)
- (b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/51/153, 170, 201, 290, 395, 453 and Add.1, 457, 480, 506, 539, 542, 555, 561, 641 and 650; A/C.3/51/6)
- (c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/51/80-S/1996/194, A/51/189, A/51/203-E/1996/86, A/51/204, 271, 347, 459, 460, 478, 479, 481, 483 and Add.1 and Add.2, 490, 496 and Add.1, 507, A/51/532-S/1996/864, A/51/556, A/51/651-S/1996/902, A/51/657, 660, A/51/663-S/1996/927 and A/51/665-S/1996/931; A/C.3/51/3, 8, and 10-12)
- (d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)
- (e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)

1. Mr. HOEY (Ireland), speaking on behalf of the European Union, the Czech Republic and Slovakia on sub-items 110(b) and (c), said that the United Nations, through the Charter, the International Bill of Human Rights and other international instruments, had played a crucial role in making human rights a defining element in the system of international law which had developed over the past 50 years.

2. The international community currently faced the challenge of living up to the commitments made in the Vienna Declaration and Programme of Action with a view to ensuring full enjoyment of all human rights and fundamental freedoms by every individual. However, there was clearly a disparity between the commitments set out in the document adopted in Vienna and other relevant human rights instruments, and violations of human rights throughout the world.

3. The Vienna Conference was a continuing process which marked a renewed effort to end those violations. Intolerance of any kind sowed the seed for violations of the human rights guaranteed by the International Bill of Human Rights.

4. Those violations seldom happened in isolation, nor were those rights merely an abstract legal concept; they were central to the dignity of the human person. The victims of human rights violations were too often the most vulnerable, who were least able to defend themselves or draw attention to their plight. It was easy to treat violations in the abstract, but it was important to remember that real individuals were involved.

/...

5. The European Union was concerned about the continued violations of the human rights of women, including rape, sexual violence and many religious and traditional practices harmful to women and the girl child. States had an obligation to promote and protect all the human rights of women, including sexual and reproductive rights. It was therefore important that the United Nations should further develop the human rights mechanism, in particular by applying a gender perspective throughout the system, notably in the work of the special rapporteurs. The human rights of women must be integrated into the mainstream of human rights activities if commitments entered into in Vienna and Beijing were to be honoured.
6. The search for a consensus on human rights questions was important, but should not delay the examination and addressing of abuses and violations of human rights as and wherever they occurred.
7. It had been made clear at Vienna that democracy provided the best defence for the human rights of the individual, but there were no grounds for complacency: human rights violations also took place in democracies, and such States must take all the steps necessary to prevent and address violations of human rights within their own borders.
8. All States must also take action to prevent the development of impunity, and the establishment of a permanent international criminal court would help to address that problem.
9. The international community had benefited from the willingness of the special rapporteurs of the Commission on Human Rights to investigate and report on thematic human rights issues and specific country situations. They played a constructive role and enhanced the work of the General Assembly and the Commission on Human Rights. Incidents where States had appeared to threaten the safety of special rapporteurs were alarming. It was essential that the latter should receive the widest possible support, and that all States should cooperate fully with them in their work.
10. He welcomed the interim report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/51/457), and encouraged all Governments and the United Nations to take effective measures in order to combat those phenomena.
11. The European Union wished to pay tribute to defenders of human rights who committed themselves, under difficult circumstances, to the protection and promotion of human rights. It also called on all States to grant access to non-governmental organizations dealing with humanitarian and human rights questions. States that violated human rights should not be able to hide behind a veil of state sovereignty or a shroud of secrecy. Both the Charter and the Universal Declaration of Human Rights provided the international community with a mandate to address all human rights violations wherever they occurred.
12. Some situations were of particular concern to the European Union, such as that in various States of the former Yugoslavia. All parties should do their utmost to improve the human rights situation there and comply with the human rights provisions of the General Framework Agreement for Peace in Bosnia and Herzegovina. Existing law should be implemented in order to prevent human

rights violations, and human rights legislation should be introduced where necessary. The European Union wished to remind all parties that progress in the field of human rights would be an important element in the further development of their relations with the Union.

13. He welcomed the fact that elections had taken place in Bosnia and Herzegovina in September 1996. It was vital that those who had been elected moved quickly to establish common institutions, with particular emphasis on human rights. He urged all parties to cooperate in order to ensure the full implementation of the Constitution of Bosnia and Herzegovina. The local elections should take place as soon as practicable in free and transparent conditions. Parties should facilitate the voluntary and safe return of the refugees and displaced persons.

14. The human rights situation in other areas of the region was also of concern. It was vital that all parties cooperated fully with the International Criminal Tribunal for the former Yugoslavia, particularly in handing over persons indicted by it. All those who had violated international humanitarian law or committed crimes against humanity must be brought to justice. The European Union would continue to monitor the human rights situation in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia.

15. The European Union called for the full respect of the human rights of all Cypriots, and supported Security Council resolution 1062 (1996). The recent violence and the disproportionate use of lethal force against unarmed civilians was deplorable. The European Union was ready to cooperate fully with the good offices mission of the Secretary-General and all other efforts to bring about a peaceful solution.

16. Human rights violations in Turkey, including arbitrary arrests, detention and torture, as well as extrajudicial executions and enforced disappearances, continued to give rise to concern. He therefore welcomed the Turkish Government's recent statement that it would introduce further human rights reforms, and the fact that representatives of the Council of Europe had recently been able to visit Turkey. Dates for future visits of special rapporteurs should also be agreed.

17. He welcomed the peace agreement in Chechnya and called for every effort to be made to achieve a lasting settlement. The authorities should ensure that humanitarian relief organizations could perform their work unhindered.

18. Progress towards a resolution of the conflict in Georgia was slow. The parties should make every effort to achieve a settlement by negotiated and peaceful means, and ensure full respect for human rights. He welcomed the establishment of the United Nations/Organization for Security and Cooperation in Europe (OSCE) human rights office, which could play an important role in promoting and protecting human rights in that country.

19. The conflict in Tajikistan had had a serious impact on human rights there and had displaced thousands of people. All parties should work to resolve the conflict and achieve national reconciliation.

20. The European Union was very concerned by the situation of human rights in Algeria and by the repeated terrorist attacks, including murder and sexual violence, against the civilian population and against journalists. He hoped that stability and peace would finally prevail as the result of the democratic process begun in November 1995.

21. He stressed the need for Israel and the Palestinian Authority to promote compliance with the basic norms of democracy in the areas under their control. Israel should respect the fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Respect for human rights and the promotion of democratic institutions were essential in order to maintain the peace process, and would strengthen the foundations of Palestinian self-rule. In seeking ways to improve the human rights situation in the Palestinian territories, cooperation with the Special Rapporteur was of key importance.

22. The human rights situation in Saudi Arabia was of grave concern to the European Union, particularly continuing denials of civil and political rights and violations of the human rights of women. There continued to be shortcomings in the administration of justice there, and reports of detention without trial, the torture of detainees and of other inhuman treatment or punishment. There were serious obstacles to the enjoyment of freedom of religion and expression. He called upon the Saudi authorities to cooperate fully with United Nations human rights bodies.

23. The systematic denial of human rights in Iraq had resulted in an all-pervasive order of repression and oppression, and nothing had been done to improve its appalling human rights record. He deplored the regime's acts of oppression in northern Iraq, and was dismayed by the near annihilation of the community of the southern marsh area. He condemned the continuing denial of civil and political rights, and called on Iraq to abide by all the obligations under the international instruments to which it was a party and cease all human rights violations immediately. It must grant full access to the United Nations human rights machinery, particularly the Special Rapporteur appointed by the Commission on Human Rights.

24. He welcomed the visits to the Islamic Republic of Iran of the Special Representative and of the Special Rapporteur on religious intolerance. Nevertheless, the situation had deteriorated during the past year. The Iranian system for the administration of justice gave rise to concern, and violations of freedoms of expression and religion continued, as did discrimination against religious minorities. The Special Rapporteur had reported grave breaches of the human rights of the Baha'is, and inadequate protection for other religious minorities. The Government should respect the rights of Iranian dissidents living abroad, and end harassment of their families in the country. The Government should take measures to eliminate all discrimination against women and ensure their full and equal enjoyment of human rights.

25. The fatwa threatening the life of Salman Rushdie was a blatant breach of international law, contrary to the Universal Declaration of Human Rights and the principle of the sovereignty of States. The European Union would continue its efforts to obtain from the Government of the Islamic Republic of Iran acceptable written assurances that the life of Salman Rushdie would not be endangered under any circumstances.

26. The European Union fully supported the efforts of the United Nations and the *Organization of African Unity (OAU)* to promote reconciliation in the Great Lakes region of Africa. The refugee crisis had its origins in massive human rights violations, and posed a major threat to the human rights of the many thousands displaced by the conflict.

27. The deteriorating humanitarian situation in eastern Zaire threatened regional and international efforts aimed at securing peace and stability in the region as a whole. All refugees and displaced persons must be permitted to return in safety and dignity. He welcomed the appointment of a special envoy of the Secretary-General to the Great Lakes region, with whom the European Union's special envoy would work closely in an effort to resolve the situation.

28. The mandate given by the Security Council for the establishment of a temporary multinational force was welcome. There was an urgent need for an international conference on peace, security and development in the Great Lakes region under United Nations/OAU auspices.

29. The European Union was deeply concerned about the situation in Burundi, and fully supported all those working to overcome the crisis. Recent moves towards the restoration of Parliament and a political system were encouraging. He urged all political forces, including representatives of civil society, to engage in constructive political dialogue and commit themselves to work towards a negotiated solution. He welcomed the Government's readiness to accept an increased number of human rights observers in the country.

30. Tensions in Rwanda continued to generate a climate hostile to the enjoyment of human rights. Of particular concern were the lack of a functioning impartial judicial system and inhuman conditions of detention. He urged the Government to increase its efforts to create conditions conducive to the voluntary return of refugees, and supported the call by the United Nations High Commissioner for Refugees for the Human Rights Field Operation in Rwanda to be reinforced, in order to enhance the return and security of refugees. In view of the continuing difficulties in ensuring the financing of that operation, he called upon all States to contribute, and also to work for lasting solutions to its financing problems through the United Nations regular budget.

31. The law which differentiated criminal responsibility for the genocide was welcome, and the European Union supported the efforts of the International Criminal Tribunal for Rwanda to bring to justice those responsible for human rights violations.

32. The European Union continued to be concerned about the human rights situation in Zaire, in particular the impunity enjoyed by the army and the security forces, and called on the authorities to uphold the framework and timetable for the transition to democratic rule, including the holding of free and fair elections. It welcomed the establishment of a United Nations human rights office in Kinshasa.

33. Human rights continued to be violated in Nigeria. A number of potentially positive developments had included the interim response of the Nigerian Government to the recommendations of the fact-finding mission of the United Nations Secretary-General, the resumption of dialogue with the Commonwealth, the

release of a number of political prisoners and the establishment of a Commission on Human Rights. However, the pace and manner of the transition to democratic rule continued to give rise to concern.

34. The authorities in Abuja should guarantee the enjoyment of human rights by all, and return Nigeria to the rule of an elective civilian government as soon as possible; release all political prisoners and those arbitrarily detained; give full cooperation to the relevant mechanisms of the Commission on Human Rights, and comply with the International Covenants on Human Rights, to which Nigeria was party. It was unfortunate that the two thematic Special Rapporteurs had been unable to visit Nigeria prior to the current session of the General Assembly.

35. With regard to Liberia, he urged all opposing factions to disengage, disarm and demobilize their combatants. All child soldiers must be immediately removed from situations of conflict and arrangements made for their reintegration into civil society. Strict implementation of the new Abuja Agreement was essential in order to bring about peace, reconciliation and a substantive improvement in human rights. The European Union fully supported the proposed imposition of sanctions by the Economic Community of West African States against those who obstructed the implementation of the Abuja Agreement.

36. He welcomed the end of hostilities and the successful transition to democratic rule in Sierra Leone, and called on all parties to conclude a peace agreement which should include effective human rights safeguards. Suggestions that a blanket amnesty would be offered to many who had committed grave violations of human rights were disturbing, as that would ensure continued impunity.

37. The European Union repeated its condemnation of the coup d'état in Niger and expressed concern at the manner in which the presidential elections of July 1996 had been conducted. It urged the authorities to restore elected civilian democratic rule and to respect fully the human rights of all its people.

38. Serious human rights violations continued in the Sudan, and the Government continued to use inhumane methods in the hostilities in the south. Many similar violations of humanitarian law were committed by other parties to the hostilities. All parties should work to ensure full respect for human rights and humanitarian law. Ethnic and religious minorities such as the Nuba people and opposition groups continued to suffer from the Government's discriminatory measures.

39. He therefore welcomed the fact that the Government had permitted the Special Rapporteur to visit the country, albeit during his visit it had been made clear to him that the political agenda of the Government would not change. He recalled the Commission's recommendation that human rights monitors should be placed in the Sudan as a matter of priority, and looked forward to the Special Rapporteur's next report. International observers should be allowed unimpeded access to areas where there were reports of disappearances and slavery.

40. It was regrettable that the presidential elections held in Equatorial Guinea in February 1996 had provided no guarantees of the required freedom of

transparency. The Government should respect human rights and guarantee the freedom of movement, speech and association to opposition parties.

41. In Afghanistan, indiscriminate attacks on civilian targets by the warring factions had led to many serious human rights violations and breaches of international humanitarian law. The European Union called for an immediate cessation of the hostilities and exhorted the leaders of all Afghan parties to renounce the use of force.

42. Discrimination against women was being carried out by all parties in Afghanistan. Recent actions by the Taliban had deprived women of their economic, social, civil and political rights, including the right to work, education, health and welfare. No form of discrimination against women or the girl child was acceptable, and he therefore called on all parties to act in accordance with international human rights standards and ensure respect for the human rights of all Afghans, irrespective of gender.

43. The efforts of the United Nations and its special mission to achieve a negotiated and comprehensive solution to the Afghan conflict which would ensure full respect for human rights deserved every support. He urged all parties to cooperate fully with the United Nations, and called on third countries to refrain from interfering in the conflict and supplying weapons to the warring factions.

44. Continuing violations of human rights and of humanitarian law in Kashmir were a matter of concern. Continued access for non-governmental organizations was essential in order to ensure respect for human rights, and only constructive, inclusive dialogue could lead to a solution that would ensure lasting respect for those rights.

45. In Myanmar, torture, arbitrary executions, forced labour, abuse of women, political arrests, forced displacements of the population and restrictions on the freedoms of speech, movement and assembly were routinely practised by the State Law and Order Restoration Council (SLORC). Many supporters of the National League for Democracy (NLD) had been detained, and others sentenced for political activities. Aggression had been committed against Daw Aung San Suu Kyi and unacceptable restrictions placed upon her. The authorities must ensure her full freedom of movement, exercise maximum restraint and guarantee safety, liberty and free expression to all those undertaking normal political activities in support of democracy.

46. SLORC should immediately and unconditionally release all political prisoners. The only way to bring about national reconciliation and democratic reform was for SLORC to enter into meaningful dialogue with NLD and other legitimate political parties and representatives of ethnic groups.

47. The European Union was not satisfied with the response of SLORC to its call for a satisfactory explanation of the circumstances surrounding the death in custody of Mr. James Leander Nichols, and repeated its call for an investigation into his death by the newly appointed Special Rapporteur. The continuing refusal of SLORC to cooperate with the Special Rapporteur was unacceptable, and both he and the Working Group on Arbitrary Detention of the Commission on Human Rights should be allowed full access to the country immediately.

48. The Sri Lankan Government's commitment to improving its human rights record was welcome. He called upon the Government and Tamil Eelam to work towards a negotiated settlement to the conflict.

49. A grave human rights situation prevailed in East Timor. While recalling the common position defined by the Council of the European Union in June 1996, the European Union called on the Indonesian Government to adopt measures with a view to significantly improving that situation, in particular by fully implementing the relevant decisions of the United Nations Commission on Human Rights. The human rights situation in Indonesia itself, and attempts to frustrate the activities of political groups, trade unions and the media, also gave rise to concern.

50. The legislative reforms in China, which should increase protection for the human rights of defendants in the criminal justice process, were welcome. Economic reforms had improved living conditions for many people and increased their enjoyment of economic and social rights. However, serious violations of human rights and fundamental freedoms such as the sentencing of Wang Dan continued to take place, raising justifiable concern about China's commitment to the rule of law.

51. Its use of the death penalty in disregard of international legal safeguards and even for nonviolent crimes was deplorable, and "Reeducation through labour" and other forms of administrative detention were unacceptable. The practice of arbitrary detention, the torture and ill-treatment of prisoners, and aspects of the judicial system continued to be of concern, but reform measures were encouraging.

52. The European Union regretted the Chinese Government's continuing restrictions on the freedoms of expression, association and religion, and called on it to respect the rights of individuals to peaceful expression of their political views. It deplored the Government's failure to protect the ethnic, cultural, religious and linguistic identity of Tibetans and persons belonging to minorities.

53. China's continuing cooperation with the rapporteurs of the Commission on Human Rights was welcome, but he called upon China to become a party to the International Covenants on Human Rights.

54. The increasing number of political prisoners of conscience in the Democratic People's Republic of Korea and the authorities' continued imposition of imprisonment solely on account of the exercise of freedom of expression had been noted with concern. The degree of official control over information and restrictions on freedom of movement and the practice of "reeducation through labour" were disturbing. The Government's grave and repeated violations of the 1953 armistice agreement were inconsistent with the search for a lasting peace.

55. Cuba continued to resist full implementation of civil and political rights, thereby denying its people full enjoyment of their human rights, and hampering efforts to implement economic and social reforms. The European Union called upon Cuba to begin the democratization process, and to release all prisoners detained for their political views or for actions taken in order to promote human rights. The harassment of groups such as Concilio Cubano which sought to

promote and protect human rights should cease. He urged Cuba to cooperate with the Special Rapporteur and other United Nations human rights mechanisms.

56. Despite the improvement in the human rights situation in Haiti, the European Union was concerned by the continuing climate of impunity, and he urged the Government to ensure that all those responsible for human rights violations were brought to justice.

57. The European Union deplored continuing human rights abuses in Colombia, including extrajudicial executions, enforced disappearances and the torture of prisoners. He noted the Government's cooperation with the Commission on Human Rights and its acceptance of the terms of reference for the establishment of a human rights centre in Colombia, and urged the authorities in Bogota to step up implementation of all the recommendations of the Commission on Human Rights, and end the climate of impunity.

58. The European Union had consistently made clear its commitment to respect for human rights and democratic principles, and demonstrated its willingness to take appropriate measures in response to serious and persistent violations of human rights or interruptions of the democratic process. It was committed to the implementation of measures to raise awareness of and promote human rights and democracy, and believed it could make a valuable contribution to the work of the United Nations human rights bodies.

59. Mr. MINOVES-TRIQUÉLL (Andorra) welcomed the reference in the report of the High Commissioner (A/51/36) to human rights education, particularly for children; the latter should be treated as a priority, to avoid passing on to them the mistakes of their elders. They were impressionable and in danger of assimilating intolerant ideas. His Government had taken steps to establish a human rights education programme in schools, and was hoping to collaborate with other countries, particularly developing countries, in that field.

60. Another matter of great importance to Andorra was the strengthening of the rule of law. As a small State, Andorra looked forward to a greater role for the International Court of Justice.

61. Mr. LILLO (Chile), speaking on sub-items 110 (d) and (e), thanked the High Commissioner for Human Rights for his excellent report (A/51/36). The High Commissioner had described a disquieting global situation in the field of human rights, reflecting an arduous task, particularly in response to human rights aspects of humanitarian crises. The report had also highlighted other aspects such as dialogue and cooperation with Governments, and the important work of the Office of the High Commissioner in the areas of prevention, technical cooperation, the right to development and human rights education. The scale of the task illustrated once more the significance of the General Assembly's decision to create the position of High Commissioner for Human Rights; it had provided a focus for the Organization's worldwide efforts to promote and protect human rights on the basis of the guidelines and principles set out at the Vienna Conference. His Government reiterated its full support for the work of the High Commissioner and for the restructuring that he had begun in 1995. Under his leadership, that restructuring would help in preventing human rights violations. It was to be hoped that the same process would also focus increased attention on important issues such as that of indigenous populations.

62. The task of the High Commissioner required the fullest possible political support from the international community, but above all, sufficient resources must be provided for a successful outcome. It would be extremely regrettable if in 1998, when the international community would commemorate the fiftieth anniversary of the Universal Declaration of Human Rights and the fiftieth anniversary of the Vienna Conference, it were to be concluded that the hoped-for success had suffered a major setback due to the shortage of resources. Politically, that would be an indefensible mistake, and ethically, an unforgivable failure.

63. Mr. RODRÍGUEZ PARRILLA (Cuba) said that selective practices, political manipulation and lack of objectivity continued to characterize the debate on human rights. Some sought to turn that noble cause into the instrument of a policy that sought to reduce the diversity of life and of social behaviour and to standardize society and the individual by using allegedly universal models. In a world of pluralism, diversity among nations should be respected. It was absurd and unfair to try to impose a single model as a straitjacket.

64. The Government of the United States of America, year after year, forced the Committee to engage in an absurd and sterile exercise against Cuba. That policy of hostility was expressed in the manipulation of mechanisms designed to protect and promote human rights. Using its powerful mass media, the United States spread bogus arguments to justify its criminal policy against Cuba and to disguise its double standards, lack of ethics, and domestic policy goals. Without that aggressive policy, there would not be a so-called situation of human rights in Cuba or a so-called Special Rapporteur who was unscrupulous and lacked independence.

65. Cuba had achieved one of the most complete health systems in the developing world, done away with illiteracy, provided its people with education and guaranteed them the fullest freedom and dignity, both individual and collective, in a democracy based on the direct participation of the people without political intermediaries. His Government did not intend to erect its modest experience into a doctrine or turn its society into a pattern for anyone. It simply called for respect. His delegation did not make long speeches or lists of offending countries; if it were to do so, it could mention some of those who had criticized Cuba during the current debate.

66. In the United States, plans were still being made to sabotage the Cuban economy; armed groups which carried out acts of terrorism against Cuban citizens were still training with total impunity; Cuban territory was still being violated, civil aircraft were being hijacked, and there were still attempts to assassinate Cuban leaders. Despite that hostile policy, one of the main premises of the Cuban social process had been the strict observance of the principle of the rule of law. No one could accuse Cuba of using torture, of having missing persons, political assassination, extrajudicial executions, or of imposing sanctions not provided for by its legislation. It was true that the country's laws were in some cases specific to its exceptional situation and its constant battle for survival. No country permitted the presence of organized groups that jeopardized the existing democratic system, particularly if they were fostered and organized with funds from a declared foreign enemy. No honest person would confuse those groups, supported and financed by the United States, with a legitimate opposition. They were mercenaries, not dissidents.

67. Cuba had a civil society in constant development. Besides official organizations, there were thousands of non-governmental organizations participating in the daily democratic exercise and in the enjoyment, development and defence of human rights. In Cuban society there was a wide diversity of opinions, and even criticism of the country's institutional life. His Government was not against change; change had been a major feature in Cuba's revolutionary social process. Cuba would continue to move ahead, strengthen its economy, protect its socialist democracy, and guarantee its people's enjoyment of every human right. Cuba was building a society where humanism, solidarity, and respect for full dignity for all flourished.

68. Cuba would continue to cooperate as a responsible member of the community of nations. Throughout its history, it had proved that it respected itself too much to act under duress. Its continued ability to resist was due to its reserves of talent and creativity, and because the Government had the support and trust of the overwhelming majority of the people, thanks to a policy of permanent consultation which had brought about a broad consensus. If it was necessary to give explanations and express remorse in order to condemn a super-Power's aggression against a whole people and defend one's one sovereignty from extraterritorial laws, it should be with decency and with at least a minimum of faithfulness to the truth.

69. Mr. LAVROV (Russian Federation) said that, since the adoption of General Assembly resolution 48/155 on the situation of human rights in Estonia and Latvia, although some steps had been taken, on the whole, the situation was still cause for grave concern. More than 1 million permanent residents of those countries - more than 300,000 in Estonia and more than 700,000 in Latvia - were deprived of their nationality and status of national minority. The provision of the Universal Declaration of Human Rights concerning the right of everyone to a nationality was being deliberately ignored. Estonian and Latvian legislation set forth numerous substantive differences between the rights of citizens and non-citizens. The document submitted by the Russian Federation on the situation of human rights in Latvia and Estonia (A/C.3/51/13) provided specific examples of the results of such policies.

70. Having considered the reports of Estonia and Latvia on the implementation of the International Covenant on Civil and Political Rights, the Human Rights Committee had expressed concern that a significantly large segment of the population in those countries, particularly members of the Russian-speaking minority, was unable to obtain citizenship because of numerous legislative and bureaucratic restrictions. Approximately one third of the potential electorate in those States was deprived of the right to vote and to be elected on the basis of universal and equal suffrage. The Latvian Parliament had recently once again rejected amendments to the law on elections to local government bodies designed to give non-citizens the right to vote and to be elected to municipal bodies, thus depriving hundreds of thousands of taxpayers of the right to participate in the country's political life.

71. The provisions of the International Covenant on Economic, Social and Cultural Rights were also being undermined in Estonia and Latvia. Under the Estonian law on privatization, only permanent residents had the right to privatize their housing units and more than 300,000 non-citizens who had been permanently residing there were denied that right. A similar situation existed

in Latvia. His delegation had just received a list with the names of about 600 persons who had been denied, under various pretexts, registration as residents of Latvia. They had either been born in that country or had lived there throughout their adult lives. There was serious concern that the policies of Estonia and Latvia with regard to persons classified as non-citizens were designed to change the ethnic balance and create societies composed of a single ethnic group. During the period from 1991 to 1996, more than 100,000 people had had to leave Estonia and more than 75,000 had had to leave Latvia against their wishes.

72. The Russian Federation was consistently seeking in its bilateral dialogue with Latvia and Estonia to ensure fair treatment for hundreds of thousands of those countries' residents and was willing to use any form of dialogue to stop the discriminatory policies directed against them. The United Nations, which had done so much to eradicate discrimination on the basis of birth and national origin, must not permit any recurrence of such dangerous phenomena on the European continent, particularly when the steps taken by the regional mechanisms involved had proved to be clearly inadequate. His delegation could not accept the view that the problem of the human rights situation in Estonia and Latvia should be discussed exclusively in European regional structures, and it excluded any selective approach to human rights problems. Attempts to separate international and regional systems for protecting human rights were artificial; both systems should be complementary and mutually supportive.

73. He had the impression that many delegations felt that they lacked information about the true situation concerning human rights in Estonia and Latvia. Particular responsibility in that regard rested with the High Commissioner for Human Rights, one of whose major functions was to provide Member States with complete and objective data on situations in countries. In view of the voluminous documentation prepared by the High Commissioner on human rights problems in individual States, his response to General Assembly resolution 48/155 gave rise to puzzlement. The limited information provided had been considered sufficient to deal with a problem involving more than 1 million people. The Office of the High Commissioner and the Centre for Human Rights, however, had at their disposal considerable information provided by non-governmental organizations and individuals on mass discrimination and human rights violations in Estonia and Latvia. Accordingly, his delegation was of the view that the High Commissioner had clearly disregarded his obligations in that case.

74. The Russian Federation believed that an objective approach to the human rights problems in Estonia and Latvia would prevail in the Committee and would be submitting a draft resolution on that question aimed at ensuring that the human rights situation in those countries was in keeping with generally recognized international standards. He hoped that such a non-confrontational approach would make it possible to adopt the draft resolution by consensus, as had been the case with General Assembly resolution 48/155.

75. Mr. BOHAYEVSKY (Ukraine) said that the international protection and promotion of human rights could be effective only if it was based on the principle of the indivisibility and equal value of all human rights, civil, cultural, economic, political and social. Improved coordination of human rights activities within the United Nations system was a key element directly related

to the further promotion of human rights and fundamental freedoms. The importance of the Centre for Human Rights as a coordinating body should be given greater emphasis; it should establish a capacity to prepare and follow up coordination activities and promote the undertaking of joint studies and the provision of advisory services and technical assistance. It was important to define clearly the medium- and long- term priorities of the Centre's activities and to strengthen its role in advancing innovative approaches. Ukraine fully supported the High Commissioner in the restructuring of the Centre and his efforts to improve the effectiveness of United Nations human rights machinery. The Centre's new structure would provide a functional framework for the integrated and consolidated activities of relevant United Nations agencies. The coordinated functioning of human rights bodies would help to avoid duplication and to monitor more effectively compliance with international standards.

76. The international system for the protection of human rights and fundamental freedoms, however perfect it might be, could not succeed without adequate efforts at the national level. The Government of Ukraine was making considerable efforts to bring national legislation into line with international norms. Within a short period of time, Ukraine had laid the foundations of a State based on the rule of law and the principles of democracy. A new Constitution had been adopted in June 1996, but it was clear that that was not sufficient to build a genuine democratic society. The full implementation of its provisions in the peoples' everyday life was a major challenge. Priority would be given to legal and constitutional education, monitoring the implementation of and compliance with the Constitution and international treaties, bringing national law into line with the Constitution and with international treaties, and the codification of domestic legislation. Since Ukraine had joined the Council of Europe, accession to regional human rights instruments had also become a priority.

77. All those tasks were of special significance for Ukraine, and for other countries in transition, and would facilitate the creation of modern and effective systems for the protection of human rights. Ukraine was also reforming its judicial system to ensure that the courts would act as a mechanism to protect the law and guarantee its supremacy in public life. Full implementation of those and other measures would enable the Government to narrow the gap between national legislation and international human rights standards.

78. His Government was deeply concerned at violations of human rights, especially during armed conflicts, which particularly endangered civilian populations. There was an urgent need to strengthen monitoring of the observance of rules of international humanitarian law as well as other generally recognized human rights standards during armed conflicts. Preventive measures should be at the heart of human rights activities. Recent events had demonstrated that there was a dangerous tendency to neglect basic human rights. Preventive diplomacy should address not only political and economic problems but also human rights issues.

79. The United Nations was often ill-equipped to deal with the human rights aspects of conflict, since it lacked the necessary resources. His delegation believed that the Secretary-General could play a more active role, and should in some cases bring human rights violations to the attention of the Security Council as matters which could threaten international peace and security.

80. His delegation attached great importance to the activities of human rights treaty bodies. States must assume greater responsibility for the fulfilment of their international commitments. Despite the complexities of its transition, Ukraine spared no effort to fulfil its international commitments in the field of human rights. The presentation of four periodic reports to treaty bodies in 1995 and 1996 were examples of those efforts. Ukraine had recommended to the treaty bodies that they should pursue a more balanced approach during their consideration of periodic reports and information presented by States.

81. The realities of a changing world required the elaboration of appropriate international norms and mechanisms which would facilitate the settlement of new problems, and help to avoid the creation of situations which could threaten peace and stability. The Commission on Human Rights should pay more attention to such issues as the protection of human rights in emergency situations, and to the elaboration of criteria which would exclude free interpretation of the right to self-determination. The United Nations had not yet exhausted all available means for ensuring the international protection and promotion of human rights. The international community should look for new ideas and methods to prevent the most serious human rights violations and to strengthen the role of the United Nations in that very important area.

82. Mr. WANG Xuexian (China) noted that 1996 marked the tenth anniversary of the adoption of the Declaration on the Right to Development. That right was of great importance to the promotion and protection of human rights and had been widely recognized by the international community, thanks to the efforts of developing countries. The Vienna Declaration and Programme of Action had reaffirmed the right to development as an integral part of fundamental human rights. However, it had not yet been given due attention by the international community, and the goals set out in the Declaration were far from being attained.

83. Numerous Asian, African and Latin American countries, while having won independence long ago, still remained confronted with various economic difficulties, and some had yet to provide adequate food and clothing for their people. There was still a very big gap between the North and the South. In developing countries, nearly one third of the population lived in abject poverty and more than 10 million people died of hunger or malnutrition every year. The current irrational and unjust international economic order was a major obstacle to the realization of the right to development. Developed countries were duty-bound to remove such obstacles, but some of them were reducing their official development assistance or attaching political strings to it. The international community, particularly developed countries, should take concrete actions to create an international environment conducive to development in developing countries, thus making useful contributions to the realization of the right to development.

84. His delegation agreed that appropriate restructuring of the Centre for Human Rights was necessary. However, it should be carried out on the basis of extensive deliberation and consensus, in accordance with the relevant General Assembly resolutions. The right to development should be fully reflected in that restructuring.

85. It was a lofty objective of the peoples of all countries to enjoy full human rights. Unfortunately, that objective had been distorted by the malpractice of certain countries in politicizing human rights and pursuing double standards. China was of the view that to promote sound international cooperation in the field of human rights, it was imperative to do away with such practices and to adhere to the principle of respect for State sovereignty. Only when that principle was observed could results be achieved in the work of the United Nations in the field of human rights.

86. Cooperation must be based on equality and mutual respect. Adopting a presumptuous, arrogant and biased approach to the question of human rights, pursuing double standards or politicizing the issue in a deliberate attempt to provoke political confrontation would harm the promotion and protection of those rights. While every country was obliged to promote and protect the rights and freedoms of its citizens, it was necessary to bear in mind the particularities of each country and region. As countries differed in their social system, ideology, cultural tradition, level of development and historical background, their priorities in promoting and protecting human rights would inevitably differ. States should adopt an approach of tolerance, and should respect such particularities. The practice of forcing on other countries the model approved by one or a few States could not be successful.

87. Civil and political rights, economic, social and cultural rights, and the right to development were interrelated and interdependent; it was unacceptable to emphasize the realization of one right while ignoring that of others.

88. In the 47 years since the founding of new China, the Chinese Government had attached great importance to the promotion and protection of human rights and fundamental freedoms, and had achieved tremendous success. Old China had been a semi-colonial country that had allowed itself to be trampled upon, invaded, exploited and oppressed by foreign Powers. New China had become an equal member of the international community and its people had become the masters of their country. Living standards had improved remarkably, the average lifespan was over 70, and the illiteracy rate was lower than 12 per cent. Democracy and the legal system had been greatly improved, and people exercised their right to administer the country through people's congresses at various levels.

89. The Chinese Government and people were deeply proud of their achievements, and, while they did not see their human rights situation as perfect, China was in no way inferior to those who proclaimed themselves as human rights teachers. China was ready to strengthen cooperation and exchanges with United Nations human rights bodies as well as other countries on the basis of equality and mutual respect; it had made and would continue to make unremitting efforts to that end. China strongly opposed interference in its internal affairs and political confrontation on the question of human rights. It also opposed any attempt to create chaos and secession in China to sabotage the country's social stability, national unity and territorial integrity.

90. The CHAIRMAN drew attention to draft resolution A/C.3/51/L.32 on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and said that Kyrgyzstan had joined the sponsors of the draft resolution.

91. Mr. CAMARA (Mexico), speaking on behalf of the sponsors, introduced draft resolution A/C.3/51/L.32 and said that Peru had joined the sponsors. The draft resolution, inter alia, called upon all Member States to consider signing and ratifying or acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, requested the Secretary-General to provide all assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights, and invited United Nations agencies and intergovernmental and non-governmental organizations to intensify their efforts with a view to promoting understanding of the Convention. The sponsors hoped the draft resolution would be adopted without a vote.

92. Mr. BAALY (Algeria), speaking in exercise of the right of reply, said that it was strange to see how certain States took it upon themselves to apportion blame to some countries and certificates of good behaviour to others, encourage some countries to continue their march towards democracy and vilify others which had not heeded their warnings, while forgetting about certain dictatorships and feudal regimes for reasons that were well known to all. Algeria had freely committed itself to a vast process of democratization in the political, economic and social fields in accordance with the profound aspiration of the Algerian people and would complete the process in the manner that it had chosen. His country had decided to build a democratic society where every citizen could participate responsibly in the administration of the country's affairs and its development because that had been the sovereign choice of the Algerian people.

93. Algeria was waging its struggle for democracy in extremely difficult conditions, having to confront the forces of fundamentalist terrorism seeking to impose by means of violence and bloodshed a retrograde and obscurantist model of society, which the people had courageously rejected in the 1995 elections. Terrorism was a threat to all the countries of the world, including Algeria's neighbours and partners in the North, and could be defeated only if all countries made determined efforts to confront that danger. The Algerian people was determined to eliminate that threat and to preserve the security and stability of all countries in the region, including their neighbours in the North.

AGENDA ITEM 103: ADVANCEMENT OF WOMEN (continued) (A/C.3/51/L.17/Rev.1 and L.19)

Draft resolution A/C.3/51/L.17/Rev.1 on violence against women migrant workers

94. The CHAIRMAN invited the Committee to take action on draft resolution A/C.3/51/L.17/Rev.1, which did not contain any programme budget implications.

95. Mrs. LIMJUCO (Philippines), speaking on behalf of the sponsors, introduced draft resolution A/C.3/51/L.17/Rev.1 on violence against women migrant workers and said that Egypt, Fiji, Kyrgyzstan, Nigeria, Sri Lanka and Uruguay had joined the sponsors. After pointing out a number of editorial revisions to the text, she underscored the need to provide protection to women migrant workers, who constituted a highly vulnerable group. The draft resolution set forth a number of measures to deal with the question of violence against them.

96. Draft resolution A/C.3/51/L.17/Rev.1 was adopted.

Draft resolution A/C.3/51/L.19 on improvement of the status of women in the Secretariat

97. The CHAIRMAN said that the draft resolution had no programme budget implications.

98. Mr. BALL (New Zealand), speaking on behalf of the CANZ countries - namely Canada, Australia and New Zealand - and the other sponsors, announced that Andorra, Côte d'Ivoire, Ghana, Iceland, Jamaica, Japan, Kazakstan, Kenya, The former Yugoslav Republic of Macedonia, Singapore and the United States had joined the sponsors.

99. He read out a series of revisions made at the time of the draft introduction of the draft resolution, and a number of additional revisions. In paragraph 6, the words "training and" should be inserted before the word "implementation". In paragraph 7, the words ", from within existing resources," should be deleted. While the CANZ countries had been willing to accede to requests by a number of delegations in the case of draft resolution A/C.3/51/L.19, similar requests regarding subsequent draft resolutions would be considered on a case-by-case basis. In the new paragraph which had been inserted after paragraph 8 as an oral revision when the draft resolution had been introduced, the words ", consistent with Article 101 of the United Nations Charter," should be added after "Urges the Secretary-General", in order to reflect concerns that the principle of equitable geographical distribution should be fully taken into account.

100. The CHAIRMAN noted that Albania, Azerbaijan, Cameroon, the Congo, Costa Rica, Egypt, Guyana, India, Italy, Kyrgyzstan, Liberia, Mali, Malta, Micronesia, the Niger, the Philippines, Uganda, the United Kingdom and the United Republic of Tanzania wished to join the sponsors.

101. Draft resolution A/C.3/51/L.19, as orally revised, was adopted.

AGENDA ITEM 106: PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN (continued)
(A/C.3/51/L.31)

Draft resolution A/C.3/51/L.31 on the girl child

102. Mr. ANDJABA (Namibia), introducing the draft resolution on behalf of the sponsors, including the countries of the Southern African Development Community (SADC), said that the sponsors, in formulating the draft resolution, had taken as their basis the 12 critical areas of concern identified in the Beijing Declaration and Platform for Action of the Fourth World Conference on Women. In the draft resolution, Governments, United Nations agencies and non-governmental organizations were called upon to remove the barriers to the full development of the girl child.

103. In the sixth preambular paragraph, the word "incest," should be inserted before the words "early marriage". In paragraph 8, the word "parties" should be inserted after the word "States". Paragraph 9 should read:

/...

"9. Further urges States to implement measures to protect women and girls from all forms of violence in line with the recommendations of the Special Rapporteur of the Commission on Human Rights on violence against women;".

104. The sponsors had been joined by Algeria, Antigua and Barbuda, Australia, the Bahamas, Belgium, Bhutan, Bolivia, Brazil, Burkina Faso, Cameroon, Congo, Equatorial Guinea, Fiji, France, Georgia, Guinea, Guyana, India, Japan, Kyrgyzstan, Malaysia, Mali, Mauritania, Mongolia, Peru, Seychelles, Thailand, the United Kingdom and Viet Nam. Djibouti had withdrawn from the list of sponsors. He trusted that, as in the past, the draft resolution would be adopted by consensus.

AGENDA ITEM 107: PROGRAMME OF ACTIVITIES OF THE INTERNATIONAL DECADE OF THE WORLD'S INDIGENOUS PEOPLE (continued) (A/C.3/51/L.30)

Draft resolution A/C.3/51/L.30 on the International Decade of the World's Indigenous People

105. The CHAIRMAN said that the draft resolution had no programme budget implications.

106. Ms. NEWELL (Secretary of the Committee) read out a series of revisions made at the time of the introduction of the draft resolution.

107. Mr. LANGMAN (Australia), speaking on behalf of the sponsors, said that, in paragraph 5, the words "United Nations declaration on the rights of indigenous peoples" should be placed within quotation marks.

108. The sponsors had been joined by the Congo, Kyrgyzstan, the Netherlands and the Philippines.

109. Mr. HUSHEK (United States of America) said he took it that the use of the words "consideration" and "consider" in paragraphs 8 and 9 respectively, with regard to the possible establishment of a permanent forum for indigenous people within the United Nations system, was intended to underline the fact that the Committee did not seek to prejudge the utility of such a forum. His delegation was prepared to join the consensus on that understanding.

110. Draft resolution A/C.3/51/L.30, as orally revised, was adopted.

111. Mr. USUI (Japan) said that, with regard to the sixth preambular paragraph and paragraph 15 concerning the United Nations Voluntary Fund for Indigenous Populations, Japan, as a nation which had contributed to the Fund every year since 1992, maintained the position it had adopted during the consideration of General Assembly resolution 50/156 on the Fund.

112. The CHAIRMAN announced that the Committee had thus concluded its consideration of agenda item 107.

AGENDA ITEM 109: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)
(A/C.3/51/L.25)

Draft resolution A/C.3/51/L.25 on the right of the Palestinian people to self-determination

113. The CHAIRMAN said that the draft resolution had no programme budget implications, and that the sponsors had been joined by Andorra, Japan, Kyrgyzstan, the Lao People's Democratic Republic and the Niger.

114. Mr. MATNAI (Israel), speaking in explanation of vote before the vote, said that in spite of the title of draft resolution A/C.3/51/L.25, the issue in question was not one of self-determination. At issue was the commitment to the agreements signed by Israel and the Palestine Liberation Organization (PLO) and the essential principles underlying the peace process. Israel had long advocated the principle of direct negotiations without preconditions as the only framework for advancing peace in the Middle East. That principle had formed the basis of the peace process begun in Madrid. Within that framework, Israel and its Arab neighbours had embarked on ongoing bilateral negotiations, Israel and the PLO had signed the Declaration of Principles, and Israel and Jordan had signed a peace treaty. His country looked forward to progress with other parties to the peace process. In the Declaration of Principles, Israel and the PLO had agreed that issues relating to permanent status would be negotiated by the parties themselves at a later stage.

115. Unfortunately, draft resolution A/C.3/51/L.25 was intended to predetermine the outcome of the permanent-status talks and thus ran counter to the obligations undertaken by the PLO in the Declaration of Principles. Support for the draft resolution contradicted the principle of direct negotiations without preconditions, which was the agreed basis of the ongoing peace process. Since the draft resolution called into question the inviolability of the peace process and the agreements which it had produced, Israel would vote against it and urged all Member States that supported the peace process to do the same. His country welcomed the historic progress achieved thus far and looked forward to further steps towards comprehensive peace in the region. Israel remained committed to the peace process and would make every effort to bring it to a successful conclusion. He called upon all parties to the negotiations to do the same.

116. Mr. KEANE (United States of America) said his country was committed to achieving a just, lasting and comprehensive peace in the Middle East through the negotiation process begun in Madrid. That process had resulted in significant progress, including major agreements between Israel and the Palestinians. The international community should do all in its power to support that process, including providing support for the Palestinians as they built new institutions and a better life. Under the Declaration of Principles the parties to the negotiations had agreed that permanent-status issues should be covered at a later stage in the negotiating process and recognized that some issues were complex and sensitive and required an interim period before they could be dealt with. Since the parties had already agreed to that approach, he did not feel the United Nations should take a position on an issue supported by one party to the negotiations but opposed by the other. The parties themselves should discuss and resolve the permanent-status issues. The international community should promote negotiations, but should not cause controversy by taking

positions. Consequently, his delegation would vote against the draft resolution.

117. A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Argentina, Estonia, Fiji, Georgia, Latvia, Lithuania, Marshall Islands, Micronesia (Federated States of), Norway, Republic of Moldova, Uzbekistan.

118. Draft resolution A/C.3/51/L.25 was adopted by 138 votes to 2, with 11 abstentions.

119. Mr. MEKDAD (Syrian Arab Republic) said that his delegation welcomed the adoption of the draft resolution by a large majority of Member States, demonstrating the resolve of the international community to end the sufferings of the Palestinian people. His delegation's vote in favour of the draft resolution reflected its continued support for the just struggle of the Palestinian people and its desire that the negotiations begun in Madrid should lead to a comprehensive and lasting settlement based on the principle of land for peace and on the relevant Security Council resolutions. With regard to the fourth preambular paragraph, which referred to the developments in the Middle East peace process, his delegation maintained that it was the Israeli side which had impeded further progress by failing to implement the commitments it had

undertaken. His delegation wished to express its reservations regarding the fifth preambular paragraph, which did not adequately reflect Security Council resolution 242 (1967). In particular, there was no reaffirmation of the demand, based upon the principle of the inadmissibility of the annexation of land by force, that Israel should withdraw from all the occupied territories.

120. Mr. REZVANI (Islamic Republic of Iran) said that his delegation, which had voted in favour of the draft resolution, wished to register its reservations regarding the fourth preambular paragraph. The agreements referred to therein would not, in its view, enable the Palestinian people to realize their inalienable rights.

121. Mr. WILLE (Norway) said that, while his delegation recognized the right of the Palestinian people to self-determination, it had abstained in the voting since it was convinced that the final settlement reached in the Middle East should be arrived at through negotiations between the Palestine Liberation Organization and the Israeli Government, in accordance with the Declaration of Principles. The Committee must not seek to determine the outcome of the peace process.

122. Mr. GARCÍA-MORITÁN (Argentina) said that his delegation had abstained since it wished neither to influence nor undermine the progress of the negotiations.

123. Mrs. BARGHOUTI (Observer for Palestine) expressed her delegation's gratitude to the Member States which had sponsored or voted for the draft resolution. Since the right of the Palestinian people to self-determination was enshrined in numerous international instruments, its recognition by the Committee could in no way jeopardize or prejudice the outcome of the peace process.

The meeting rose at 6.05 p.m.

UNITED NATIONS
General Assembly
FIFTY-FIRST SESSION
Official Records

THIRD COMMITTEE
43rd meeting
held on
Tuesday, 19 November 1996
at 10 a.m.
New York

SUMMARY RECORD OF THE 43rd MEETING

Chairman: Mrs. ESPINOSA (Mexico)

CONTENTS

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued)

- (b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)
- (c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)
- (d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued)
- (e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued)
- (a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.3/51/SR.43
25 August 1997
ENGLISH
ORIGINAL: FRENCH



The meeting was called to order at 10.05 a.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued) (A/53/3 (Parts I and II), A/51/81, A/51/87, A/51/90, A/51/114, A/51/208-S/1996/543, A/51/210, A/51/462-S/1996/831; A/C.3/51/9)

- (b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/51/201, A/51/395, A/51/453 and Add.1, A/51/457, A/51/480, A/51/506, A/51/536, A/51/539, A/51/542, A/51/552, A/51/555, A/51/558, A/51/561, A/51/641, A/51/650, A/51/153, A/51/170, A/51/290, A/C.3/51/6)
- (c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/51/347, A/51/459, A/51/460, A/51/466, A/51/478, A/51/479, A/51/481, A/51/483 and Add.1, A/51/490, A/51/496, A/51/507, A/51/538, A/51/556, A/51/557, A/51/651, A/51/657, A/51/660, A/51/663, A/51/665, A/51/483/Add.2, A/51/496/Add.1, A/51/80-S/1996/194, A/51/189, A/51/203-E/1996/86, A/51/204, A/51/271, A/51/532-S/1996/864, A/C.3/51/3, A/C.3/51/8, A/C.3/51/10, A/C.3/51/11, A/C.3/51/12, A/C.3/51/13)
- (d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)
- (e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)
- (a) IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued) (A/C.3/51/L.34 and L.35)

1. Mr. AL-HUMAIMIDI (Iraq) said that the consideration of item 110 (a), (b) and (c) should make it possible to gain a better knowledge of the situation of human rights and determine ways of promoting those rights throughout the world. In order to contribute effectively to the achievement of that objective, the special rapporteurs must demonstrate objectivity and neutrality. Unfortunately, some of them were adopting political positions or were allowing themselves to be misled by tendentious information. In accordance with General Assembly resolution 50/174 of 22 December 1995, their work must be guided by the principles of non-selectivity, impartiality and objectivity.

2. After the aggression perpetrated against Iraq by the allied forces in 1991, no-fly zones had been established in the north and south of Iraq under the pretext of protecting human rights. Far from being protected, the Kurds in the north had subsequently been the victims of deadly conflicts. Moreover, after the missile attacks by the United States forces on 3 and 4 September 1996, the no-fly zone had been extended. The main reason invoked by United States officials to justify their action, namely the need to defend their strategic interests, had nothing to do with the protection of human rights. It should be noted that the no-fly zone had no legal justification. The no-fly zone constituted a violation of the Iraqi people's right to self-determination and contravened the two international covenants on human rights.

3. The determination of the United States of America to intervene militarily in northern Iraq was impeding the achievement of tangible democratic progress at the national level. The hardships inflicted on the Iraqi population by the economic embargo imposed against Iraq six years previously could no longer be ignored. The maintenance of the embargo had led to such a steep rise in prices that families could not obtain the food and medicines they needed; ration cards covered only 34 per cent of the caloric needs of each individual. His Government had already described the impact of the embargo on the exercise of social, economic and political rights in Iraq (see A/C.3/51/6), about which many international organizations had expressed concern. The Secretary-General himself had stressed the deterioration of health conditions and the increase in the number of children dying of ailments linked to malnutrition and lack of adequate medical care (see A/50/1 and A/51/1). At a press conference in March 1995, the Assistant to the Regional Director for the Middle East of the World Health Organization (WHO) had stated that the health situation in Iraq had been set back 50 years.

4. In her report on the impact of armed conflict on children (A/51/306), Ms. Graça Machel had expressed the view that the international community should not impose economic sanctions without obligatory humanitarian exemptions and mechanisms for monitoring the impact of sanctions on children and other vulnerable groups. As she had stated, "sanctions should be judged against the standards of universal human rights, particularly the Convention on the Rights of the Child".

5. The reports of international organizations on the sufferings endured by the Iraqi population gave only a partial view of reality. Among the States which were trying to prolong the embargo, some - and in the first place, the United States of America - were seeking to evade their legal, ethical and humanitarian responsibilities by shifting the blame to his Government.

6. The United States of America had clearly demonstrated its intentions when it had tried to prevent the implementation of the memorandum of understanding concluded between the Secretariat of the United Nations and his Government on the implementation of Security Council resolution 986 (1995), or the "oil for food" formula. At its forty-eighth session, the Subcommission on Prevention of Discrimination and Protection of Minorities had expressed concern about information to the effect that children would continue to die after the implementation of the memorandum of understanding because it did not meet the minimum needs of the civilian population, particularly for food and medicines. The obstacles placed in the way of the implementation of the memorandum would only aggravate the situation of the Iraqi people, in violation of the provisions of paragraph 31 of the Vienna Declaration and Programme of Action which stated that food should not be used as a tool for political pressure, and the provisions of the Charter of the United Nations and the two international covenants on human rights.

7. If human rights in Iraq were to be respected, the first step was to remove the embargo. It was not possible to talk about human rights and remain silent about the genocide against the entire Iraqi population.

8. Mrs. RUSSELL (Barbados), speaking on behalf of the States members of the Caribbean Community (CARICOM) regarding agenda item 110, subitems (b), (c), (d)

and (e), said that recognition of the right to development and affirmation of the equality of women marked a crucial stage in the promotion of the fundamental rights of the human person. It had taken more than 20 years for the international community to recognize the right to development as a fundamental right.

9. In its Human Development Report 1996, UNDP emphasized that in the long run, the promotion of human rights and human growth must proceed together. That was why the international community was intensifying its efforts to tackle poverty and its causes. More than 1 billion people in the developing world lived on less than \$1 per day. Poverty was a scourge which threatened political stability, social cohesion and the environment; its eradication was one of the most urgent and difficult challenges facing the modern world. It was also a prerequisite for reinforcing peace, achieving sustainable development and for the effective enjoyment of human rights.

10. The CARICOM States reaffirmed their commitment to the Vienna Declaration and Programme of Action which urged universal ratification of human rights treaties. They supported the programme and activities of the Centre for Human Rights and noted with alarm that the financial crisis at the United Nations might adversely affect the Centre's work.

11. In the light of the current difficulties, the CARICOM countries commended the work of the various human rights bodies, the strengthening of advisory services and technical cooperation activities, and the appointment of a coordinator of the Voluntary Fund for Technical Cooperation.

12. She also welcomed the continuing cooperation between the High Commissioner, the Centre for Human Rights, UNICEF and UNESCO. The violations of fundamental rights described in the report on the impact of armed conflict on children (A/51/306) were an affront to all humanity. The international community should do all it could to prevent the outbreak of fighting by addressing the socio-economic causes of conflict.

13. She took note of the work being done by UNESCO to establish a culture of peace. The World Plan of Action on Education for Human Rights and Democracy, adopted in 1993, concerned human rights in their broadest sense. It called inter alia for learning about tolerance and citizenship based on participation and emphasized the importance of mutual respect and understanding.

14. UNDP should continue its work to strengthen human rights by advocating capacity development for governance.

15. United Nations human rights programmes at the national level were essential in that they made it possible to establish dialogue with Governments; the latter should be encouraged to report more fully on the situation in their countries.

16. There were still human rights violations occurring in too many parts of the world. In the Great Lakes region of Africa she hoped that the international community would remain vigilant until order was restored. Aware of the importance of the International Civilian Mission to Haiti, the CARICOM countries had worked to have the Mission's mandate extended. They welcomed the improved human rights situation in Haiti and the Government's commitment to upholding

human rights; they also welcomed the holding of presidential elections in December 1995. However, they reaffirmed that Haiti would continue to need the international community's support, particularly for training its police forces and strengthening its judicial system.

17. Finally, the member States of CARICOM reiterated their support for the United Nations system, which was increasingly being called upon to intervene whenever a new crisis arose and posed a threat to human rights anywhere in the world.

18. Mr. MOREIRA GARCIA (Brazil) said that the wave of democratization that had swept through the world in the late 1980s and early 1990s had raised hopes of a widespread strengthening of human rights. Regrettably, the world continued to be confronted by civil strife, ethnic cleansing, lawlessness and extreme poverty, all of which posed a considerable challenge to the full enjoyment of human rights. Although the principle of the universality of human rights had been reaffirmed at Vienna in 1993, some Governments sought to resist international human rights monitoring, invoking national traditions and customs. Others attached importance solely to civil and political rights, ignoring the fact that human rights were interdependent.

19. The protection of human rights as a whole must be based upon standards set by the international community, at United Nations conferences. By reinforcing monitoring and cooperation mechanisms conferences had laid the foundations for a new era of action in respect of human rights.

20. National Governments had an essential role to play in the enforcement of international standards, but many of them were unable to do so because they lacked material and human resources. The United Nations must therefore play a key role in ensuring that those Governments receive international technical and financial cooperation in order to build effective institutions for the strengthening of democracy, the rule of law and the administration of justice. His delegation was currently working with others to prepare a draft resolution on the strengthening of the rule of law. He urged all interested delegations to support that important text.

21. Brazil attached great importance to the work of the Centre for Human Rights, and hoped that the restructuring of the Centre would enhance its capacity to provide assistance.

22. Scope for criticism and debate on human rights had gradually created increased awareness of issues in Brazil, and a new profile of governmental action, in conjunction with non-governmental organizations, had emerged. Pursuant to one of the recommendations of the Vienna Conference and after consultation with non-governmental organizations, scholars and human rights experts, the Government had set up a national plan of action on human rights to identify obstacles to the enjoyment of those rights and ways to overcome them. Concrete measures which had been identified included improved police training methods, a protection programme for witnesses of human rights violations, assistance to victims of violent crimes, transfer to civilian courts of competence to try military police crimes, and federal investigation of human rights violations. Priority had been given to the protection of the most vulnerable groups, particularly children, the indigenous population and the

black population. The State had recognized its responsibility for the deaths of persons under detention in the 1960s and 1970s. Many cases had already been examined by a commission and indemnities had been paid to the relatives of victims.

23. The Government and Brazilian society were resolved to work together to ensure full enjoyment of civil, economic, social and cultural rights, as well as political freedom, which was essential to improve the standard of living of the population. Brazil was also determined to support multilateral activities, mechanisms and standards for the protection and promotion of human rights.

24. Ms. PULLIDO-SANTANA (Venezuela) said that progress in the field of human rights depended on the level of awareness of those rights by individuals and society. The hard work of the United Nations in that field was an essential aspect of efforts to ensure peace and development. Apart from establishing generally recognized international standards, those efforts entailed strengthening national institutions, carrying out technical assistance programmes and creating various mechanisms to deal with human rights violations.

25. Promotion of and respect for human rights and fundamental freedoms were among the basic principles of Venezuela's domestic and foreign policy. As a democratic country, Venezuela had always supported initiatives to strengthen the international human rights regime and to determine those mechanisms which could best meet the needs of the human person and respond to the legitimate aspirations of civil society. That issue must be dealt with objectively and non-selectively, in close cooperation with Governments.

26. Economic and social problems could affect the enjoyment of human rights, even in States having a long-standing democratic tradition. In a democratic framework, human rights violations could be denounced, punished and rectified, and those responsible for protecting those rights could be guaranteed total freedom of action. In the interests of increased cooperation in that area, the Venezuelan Government had invited representatives of various international organizations to visit the country.

27. In Venezuela, Government and civil society were aware that the economic and social crisis was leading to human rights violations. Nonetheless, the State was determined to create mechanisms to remedy the situation. In collaboration with international financial institutions, the Government was reforming the judiciary and the prison system and taking steps to strengthen human rights protection and monitoring institutions. A national human rights commission had been set up to study the situation in Venezuela and make appropriate recommendations to the executive branch.

28. The Declaration on the Right to Development was a truly multidimensional concept, calling for equal treatment of economic, social, cultural and political rights. A favourable international environment could only encourage the promotion of human rights, particularly the right to development. The cooperation of the Bretton Woods institutions and the World Trade Organization was of crucial importance in that respect.

29. The United Nations and the international community should consider the search for solutions to development problems as a contribution to peace.

Consequently, measures should be adopted to fight poverty, which had a negative impact on democracy and the enjoyment of human rights and fundamental freedoms. In that context, Venezuela supported the setting up of an intergovernmental expert group to elaborate a strategy for promoting the right to development.

30. Venezuela welcomed the efforts of the United Nations High Commissioner for Human Rights to strengthen the Organization's activities in that field, particularly measures to restructure the Centre for Human Rights. Her delegation would support the draft resolution to be submitted under agenda item 110 (e).

31. Mr. MARTINO (Holy See), speaking on agenda item 110 (b), recalled that 1996 marked the fifteenth anniversary of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, which occupied a place of honour among United Nations human rights instruments. The need to counter intolerance and violence based on religion or belief had been reaffirmed in 1993, at the Vienna World Conference on Human Rights. He noted that, in many central and eastern European countries, where official ideology had formerly been a source of religious persecution and repression, the situation had improved considerably. It was to be hoped that such progress would extend to all parts of the world. It was the duty of Governments to promote and protect the freedom of religion, which did not mean freedom from religion; that notion arose from a distorted conception of the separation of church and State.

32. One of the principal causes of intolerance was the fear of differences. In many countries whose constitutions recognized the right to religious liberty and freedom of conscience, believers were still subjected to discrimination. In some cases, the State intruded into areas which came under the practice of religion, as had happened recently in one country where a prisoner's sacramental confession had been typed. Such discrimination took various forms such as exclusion from jobs, education, housing or social assistance. There were also countries where members of various religious groups were denied the rights enjoyed by those who professed the official religion. Such an attitude was contrary to the very principle of tolerance, which was not to share but to respect the beliefs of others provided that they were not contrary to public order. The answer to religious intolerance was neither indifference nor secularism. The former encouraged mankind to live as if God did not exist, and the latter had contributed to widespread disregard for the transcendancy of human life and the family.

33. To show tolerance was to recognize every person's right to search for truth, particularly religious truth and, consequently, the freedom to change one's religion or belief. Pope John Paul II, during his visit to United Nations Headquarters the previous year, had recalled that cultural and religious differences were a source of enrichment and of a deeper understanding of the mystery of human existence.

34. Mr. HAUGESTAD (Norway) said that his delegation shared the views expressed the previous day by the Irish delegation on behalf of the European Union.

35. The plight of the refugees fleeing from the fighting in eastern Zaire to some extent overshadowed the subject of the current discussion, namely human

rights instruments, and was in complete contradiction with the ideals that the Third Committee was supposed to uphold. It was clear that the human rights system was not working, both because the responsible Governments were incapable of upholding their obligations and because atrocities were being carried out by non-governmental groups which refused to pay heed to the fundamental rights of individuals.

36. That very problem had been discussed at the international workshop on minimum humanitarian standards which had been held in Capetown, in accordance with a resolution of the Commission on Human Rights. The workshop had concluded that there was a need to protect those who were exposed to extreme sufferings due to the absence of appropriate measures. The numerous ongoing conflicts throughout the world bore witness to the need for basic human rights protection. Accordingly, the Committee should seek to compile standards of humanity, which were applicable in all circumstances and which would be respected by all parties to conflicts, whether individuals, groups or Governments.

37. The workshop had therefore called upon the Secretary-General of the United Nations to undertake an analytical study in coordination with the International Committee of the Red Cross, to assess the need for a United Nations document setting out minimum humanitarian standards applicable in all situations and promoting their adoption. Norway associated itself fully with that initiative, which would be formally communicated to the Commission on Human Rights at its next session. Meanwhile the participants had encouraged Governments, international and regional organizations as well as non-governmental organizations and civil society to promote a debate on the need for such standards and on practical measures aimed at the improvement of the situation of those affected by conflicts.

38. Human rights could be protected through bilateral dialogue or multilateral monitoring through the activities of human rights mechanisms created by the United Nations. However, the effectiveness of those mechanisms depended on the goodwill of the States concerned, which regrettably was not always forthcoming.

39. The Special Rapporteur on the situation of human rights in Myanmar had not been authorized to visit that country and he had concluded that extrajudicial executions, torture and forced labour continued to occur. The major human rights violations in Myanmar were due to the absence of respect for democratic standards. His delegation once again urged the Government of Myanmar to allow its people to participate freely in the political process and to accelerate the transition to democracy, particularly through the transfer of power to democratically elected representatives. Norway also reiterated its call for an investigation into the circumstances surrounding the death in detention of its honorary consular representative, Mr. Nichols.

40. The situation of human rights in the Islamic Republic of Iran continued to be a matter for concern, particularly with regard to executions, torture and the administration of justice. Certain religious groups, including the Baha'i community, continued to be persecuted. Norway reiterated its condemnation of the fatwa proclaimed against the writer Salman Rushdie and those associated with the publication of his book. The fatwa was an intolerable infringement of the basic rights of citizens and must be brought to an end.

41. Human rights in Nigeria were negated by the use of "rule by decree" and special tribunals. The Nigerian authorities must cease violating trade-union rights and the right of freedom of expression. A prominent human rights activist, Mrs. Abiola, had been assassinated during the current year. The authorities had committed themselves to handing over power to a civilian government by October 1998. Meanwhile, he urged them to cooperate fully with the two thematic rapporteurs whom they had agreed to receive in the near future.

42. The Special Rapporteur on the situation of human rights in the Sudan had been allowed to make a second visit to that country; that was a noteworthy event. His description of the situation was, however, far from encouraging, since reports on describing progress in certain areas alternated with reports of grave human rights violations committed by agents of the Government.

43. Torture was one of the most degrading forms of treatment, and an assault on the dignity of the human being. The Special Rapporteur on torture had received allegations of the extensive practice of torture by the Turkish police. Norway deeply regretted that Turkey had not yet been willing to accept a visit by the Special Rapporteur.

44. Many of those who defended human rights had paid with their lives for their faith in the ideals proclaimed in the Universal Declaration of Human Rights. Such persons were frequently denied the right to organize themselves, saw their freedom of movement restricted and were prevented from representing victims of violations. It was therefore necessary to quickly complete and adopt the draft declaration on the rights and responsibilities of all individuals, groups and organs of society to promote and protect universally recognized universal rights and freedoms as recommended by the World Conference on Human Rights in Vienna. Most of the rights of those who defended human rights were already guaranteed by existing instruments; but there was still no framework giving explicit and clearly defined protection to human rights defenders. The Third Committee should support the Chairman-Rapporteur of the working group responsible for drafting the text of that declaration.

45. Mr. LEGAULT (Canada) said that the international community could not remain indifferent to the human rights violations that were occurring in all too many countries. The situation in Myanmar continued to deteriorate. Recent repressive measures against that country's democracy movement were a matter for increasing concern to the international community at large as well as to neighbouring countries. He called on the country's authorities to implement all pertinent United Nations resolutions.

46. Canada expected Nigeria to meet all its commitments concerning the transition to democracy and to make arrangements for the visit of the two thematic rapporteurs it had agreed to receive. Given its importance in Africa and internationally, Nigeria must set an example of full respect for human rights and fundamental freedoms.

47. Serious human rights violations had been reported in Afghanistan. Restrictions on the right of women in the areas of employment, health care and education were a matter for particular concern. All the rival factions in Afghanistan must respect all of that country's international human rights commitment.

48. Canada called on the Government of Iraq to recognize and guarantee the rights of all citizens, in particular its Kurdish and Shi'a minorities. It called on Iran to nullify the fatwa pronounced against Salman Rushdie, and to remove the obstacles to freedom of expression and freedom of assembly, in particular, to the activity of religious minorities such as the Baha'is. In the Sudan, human rights violations continued unabated, particularly in the context of the civil war in the southern part of the country. Nonetheless, the Special Rapporteur had been able to visit the Sudan and to observe the situation there first-hand. That constituted progress. Canada condemned the violence which both parties to the Burundi conflict inflicted on the civilian population in violation of every norm of international humanitarian law.

49. In the former Yugoslavia, war criminals responsible for massive human rights abuses had not yet been brought to justice. Refugees and displaced persons were still unable to return to their homes. Canada would continue to assist, but only the Governments in the region could make the peace process work.

50. Cuba must match its achievements in the field of social and economic rights with a genuine opening in the field of civil and political rights; it must rescind its repressive measures against the Concilio Cubano.

51. Some Governments maintained that human rights were a luxury that only wealthy countries could afford. That was not so. Inalienable for rich and poor alike, human rights were the only sure foundation for stability and long-term economic development. Repression must not be the price paid for development.

52. Canada recognized that China had managed to implement economic reforms which had improved its population's standard of living. Canada welcomed the dialogue it maintained with China, particularly in the area of human rights. It was deeply disturbed, however, by the intolerance of freedom of speech and by the harsh sentences which continued to be meted out to dissidents. In Indonesia, the independence displayed by the National Human Rights Commission in investigating acts of violence against one of the opposition parties was encouraging. Canada urged Indonesia and Portugal to find an internationally acceptable solution to the problem of East Timor.

53. States could not invoke a difficult internal situation - the presence of rebels or paramilitary organizations which also violated human rights - in order to justify their failure to respect those rights. On the contrary, it was their duty to break the cycle of violence and to establish a climate that was favourable to respect for human rights. Canada welcomed the decision by the Government of Sri Lanka to establish a permanent human rights commission, and urged the two parties to the conflict to find a lasting and peaceful solution. It also welcomed the initiatives taken to achieve a lasting peace in Chechnya.

54. His delegation urged the Colombian Government to cooperate fully with the United Nations human rights office to be opened shortly in Bogotá. It expressed appreciation to the Government of Guatemala for the measures it had taken to eliminate corruption and impunity. It hoped that the special measures would soon be lifted in Peru, which had achieved progress in the establishment of democratic structures.

55. There had reportedly been an alarming increase in human rights abuses in Rwanda, whose Government was nonetheless cooperating with the human rights field operation. In view of the humanitarian crisis in Rwanda and Zaire, Canada urged the Governments concerned to protect the civilian population in particular.

56. The situation of human rights had improved in certain countries. A Ministry of Human Rights had been established in Pakistan. In India, normalcy had been restored in the Punjab and elections had been held in Kashmir. The international community wished to express its appreciation to the Government of Haiti and the Government of El Salvador for sustaining the progress they had achieved in the field of human rights.

57. Without wishing to interfere in the affairs of other countries, Canada requested all Member States to fulfil their obligation to promote respect for universal standards and to protect the dignity of the human being.

58. MR. VELLISTE (Estonia) said that the announcement made by the delegation of the Russian Federation of its intention to submit a resolution on Estonia and Latvia under agenda item 110 (c) was somewhat surprising. Neither the Commission on Human Rights nor the Economic and Social Council had drawn the Third Committee's attention to the question, which had already been covered adequately by the United Nations and seemed to be of interest to the Russian Federation alone.

59. It appeared from the statement delivered by the delegation of the Russian Federation that it considered Estonia as a successor State to the Soviet Union, which was completely false. The Republic of Estonia had been established in February 1918, in other words, 78 years earlier. Between the two World Wars, Estonia had been a fully-fledged member of the League of Nations. Following the conclusion of the Molotov-Ribbentrop Pact in 1939 between Nazi Germany and the Soviet Union, Estonia had been consigned to the Soviet sphere of influence and had been occupied by the Soviets, who had incorporated it into the Union of Soviet Socialist Republics. After the Second World War, the Soviet Union had colonized Estonia by sending a population of foreign origin to settle there, in violation of the Geneva Protocols. In August 1991, however, Estonia had regained its independence and, on 17 September 1991, had become the one hundred and sixty-fourth State Member of the United Nations.

60. Four months after the re-establishment of Estonian independence, the Soviet Union had been dissolved. Thus, those persons holding passports from the former Soviet Union who were not Estonian citizens had had the choice of applying for Estonian citizenship or for citizenship of the State of their choice. About 600,000 Soviets residing in Estonia had been in that situation. Of that number, some 100,000 had left Estonia for Russia. The others had remained in Estonia and the vast majority of them had received residence permits. As non-nationals of Estonia, those persons had the right to vote in local elections but not in national elections. They were given all the time they needed to decide on their nationality. During the past five years, the number of stateless persons had steadily declined, and it was currently down to 200,000. Each month, several thousand persons chose their citizenship: Estonian or other.

61. In that respect as in others, Estonia, which prided itself on being an open and democratic civil society, had nothing to hide. That was borne out by the

numerous fact-finding missions which had visited Estonia. Those missions had confirmed that Estonian legislation and its human rights practices were in conformity with international standards, and had demonstrated the fallacy of allegations to the contrary. In that connection, he wished to draw the Third Committee's attention to the report of the Assistant Secretary-General, Mr. Ibrahim Fall, on his fact-finding mission to Estonia in 1993 (A/48/511). The Government of Estonia had even invited an informal group of Russian legal experts to visit Estonia in response to their concerns.

62. Unfortunately, it seemed that the Russian Federation gave no credit to the work of the United Nations High Commissioner for Human Rights or to the monitoring activities carried out by the Organization for Security and Cooperation in Europe (OSCE). It was regrettable that the Russian Federation was seeking to revive that issue when it had been amply proved that its allegations were baseless.

63. Mr. AL-DOSARI (Bahrain) recalled that, in his report (A/51/457), the Special Rapporteur on extrajudicial, summary or arbitrary executions had, on the basis of allegations made to him, accused Bahrain of violations of the right to life. His delegation held in high esteem the mechanisms instituted by the United Nations with a view to ensuring the protection of human rights. It was also necessary for persons with responsibilities in that area, such as Special Rapporteurs, to demonstrate accuracy and impartiality and to refrain from making accusations against States without having verified the information upon which such accusations were based. In the event, it was incumbent upon the Special Rapporteur, Mr. Bacre Waly Ndiaye, to verify the accuracy of the information which had been provided to him.

64. Mr. PACE (Malta) said that his delegation associated itself with the statement by the representative of Ireland on behalf of the European Union at the previous meeting under agenda item 110 (b) and (c).

AGENDA ITEM 110 (a): HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS (continued)

Draft resolution A/C.3/51/L.34: Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

65. Mr. SPLINTER (Canada) introduced the draft resolution on behalf of the sponsors, to which Argentina, Bulgaria, Côte d'Ivoire, Italy, Liechtenstein, Lithuania, the Netherlands, Portugal, the Republic of Korea, Romania and Sweden had been added.

66. He drew attention to the changes which had been made in the text. In operative paragraph 4, a comma and the words "rendering more transparent" should be added following the word "rationalizing". In the first line of operative paragraph 6, the words "in accordance with its mandate" should be added after the words "human rights" in the English version of the text. In operative paragraph 15, the words "to be provided at the request of the State concerned" should be added after the words "technical assistance". In operative paragraph 18, the words "coordination and" should be added before the word

"cooperation". Finally, a new operative paragraph 19 bis should be added to the text, reading:

"Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographic distribution and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity, and shall be of high moral character and recognized competence in the field of human rights."

67. Lastly, in operative paragraph 21, the words "taking measures that would facilitate the participation by representatives" should be replaced by the words "opportunities for the representatives". Other changes, still under discussion, would be communicated to the officers of the Committee as soon as they had been finalized.

68. The draft resolution recalled the need for integral and effective implementation of United Nations human rights instruments and the importance of reporting in that regard by the States parties. It called attention to the underresourcing of the Centre for Human Rights and of the agencies created by international human rights instruments. Compared with the resolutions on the topic adopted in previous years, the text under discussion contained something new. In order to reduce the burden imposed on Member States by the preparation of reports, operative paragraph 5 of the draft resolution requested that the Secretary-General should prepare a detailed analysis comparing the provisions of the International Covenants and those contained in various human rights instruments, with a view to identifying duplication of reporting required under those instruments.

69. He thanked the delegations which had participated in the revision of the text and expressed the hope that, as in previous years, the draft resolution would be adopted without a vote.

Draft resolution A/C.3/51/L.35: Commemoration of the fiftieth anniversary of the Universal Declaration of Human Rights

70. Mr. WLOSOWICZ (Poland) introduced draft resolution A/C.3/51/L.35, of which Argentina, Chile, the Republic of Korea and Romania had also become sponsors, and read out a number of revisions to its text. In the third preambular paragraph, the words "and taking note of the improvements" and "that have occurred during the past five decades owing to national and international solidarity and efforts" should be deleted. In the penultimate line of the fourth preambular paragraph, the words "fundamental human rights" should be replaced by "human rights and fundamental freedoms".

71. A new paragraph should be added after the fifth preambular paragraph, reading: "Recalling its decision 48/416 of 10 December 1993 in which the Assembly decided to include in the provisional agenda of its fifty-third session an item entitled 'Fiftieth anniversary of the Universal Declaration of Human Rights';". An operative paragraph 6 bis should be added, reading: "Requests the Secretary-General to include in his proposed programme budget for the biennium 1998-1999 appropriate activities to celebrate the fiftieth anniversary of the Declaration". Finally, operative paragraph 7 should be divided into two

parts, the first reading: "Decides to convene, during its fifty-third session, a one-day plenary meeting on 10 December 1998 to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights;" and the second, operative paragraph 7 bis, reading: "Decides to review during its fifty-second session the state of preparations for the anniversary and to consider appropriate measures in this regard, including its own contribution".

72. Exactly 50 years previously, in June 1946, the Economic and Social Council had elected the members of the newly-created Commission on Human Rights. At its first meeting, the Commission had set up a committee to draft a universal declaration of human rights. The Declaration had been adopted in December 1948. Fifty years later, visible progress had been made. All the Member States had accepted the Declaration, and the majority supported the human rights instruments based on it. Nevertheless, much remained to be done before those rights would be truly respected. The commemoration of the fiftieth anniversary of the Declaration in 1998 would be an opportunity to decide, on the eve of the twenty-first century, on ways of giving effect to the ideals contained in that instrument. The draft resolution closely followed the text of the resolution adopted by the Commission on Human Rights in April 1996. Its sponsors hoped that many delegations would join them and that the text would be adopted without a vote.

73. The CHAIRMAN announced that Belgium, Hungary, Italy, Malta, Panama, Slovakia, and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

The meeting rose at noon.

UNITED NATIONS

General Assembly
FIFTY-FIRST SESSION
Official Records

THIRD COMMITTEE
44th meeting
held on
Tuesday, 19 November 1996
at 3 p.m.
New York

SUMMARY RECORD OF THE 44th MEETING

Chairman: Mrs. ESPINOSA (Mexico)

CONTENTS

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued)

- (b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)
- (c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)
- (d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued)
- (e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.3/51/SR.44
13 August 1997

ORIGINAL: ENGLISH

96-82208 (E)



/...

The meeting was called to order at 3.05 p.m.

AGENDA ITEM 110: HUMAN RIGHTS QUESTIONS (continued) (A/51/3 (Parts I and II), A/51/81, 87, 90, 114, A/51/208-S/1996/543, A/51/210 and A/51/462-S/1996/831; A/C.3/51/9)

- (b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/51/153, 170, 201, 290, 395, 453 and Add.1, 457, 480, 506, 536, 539, 542 and Add.1 and 2, 552, 555, 558, 561, 641 and 650; A/C.3/51/6)
- (c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued) (A/51/80-S/1996/194, A/51/189, A/51/203-E/1996/86, A/51/204, 271, 347, 459, 460, 466, 478, 479, 481, 483 and Add.1 and Add.2, 490, 496 and Add.1, 507, A/51/532-S/1996/864, A/51/538, 556, 557, A/51/651-S/1996/902, A/51/657, 660, A/51/663-S/1996/927 and A/51/665-S/1996/931; A/C.3/51/3, 8 and 10-13)
- (d) COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION (continued) (A/51/36)
- (e) REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (continued) (A/51/36)

1. Mr. CHOWDHURY (Bangladesh) said that the Vienna Declaration and Programme of Action had set the agenda for activities in the human rights field. In particular, it had underlined the importance of the right to development and the interrelationship between democracy, development and human rights. His delegation was therefore favourable to the creation of a separate branch within the Centre for Human Rights concerned solely with the promotion of the right to development.

2. While his delegation recognized the need to restructure the Centre, it was concerned at the manner in which the process was being conducted. There had not been sufficient consultation with Member States, and, while the restructuring should aim to enhance efficiency, the priorities and mandate of the various entities comprising the United Nations human rights machinery must be respected. Bangladesh valued the work of the various special rapporteurs and representatives and always considered their reports carefully. However, his delegation was concerned at the selective presentation of facts in the report of the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary or arbitration executions (A/51/457). The section on violations of the right to life of persons belonging to national, ethnic, religious or linguistic minorities made reference to the Chakmas in Bangladesh. Yet, in the section on violations of the right to life and terrorism, the Special Rapporteur had omitted to mention the killings of hundreds of civilians by armed insurgents. Contrary to the Special Rapporteur's assertion, the Bangladesh Government would have been willing to grant his request to visit the country.

3. His Government's commitment to the promotion and protection of human rights, and in particular the rights of women, children and minorities, was

/...

reflected in the Bangladeshi Constitution and legislation. A law reform commission had been created to advise the Government on the implementation of international human rights instruments and on the establishment of a national human rights commission. His Government had requested the assistance of the relevant United Nations agencies with that work.

4. His delegation recognized the important role of the United Nations in promoting and protecting human rights. It welcomed such initiatives as the United Nations Educational, Scientific and Cultural Organization (UNESCO) project entitled "Towards a culture of peace" (A/51/395), which aimed to encourage collaboration among nations through education with a view to achieving greater understanding of and respect for human rights and fundamental freedoms. He called upon the Committee to consider the UNESCO project under a separate agenda item at the fifty-second session.

5. Mr. ARDA (Turkey) said that article 30 of the Universal Declaration of Human Rights related to human rights violations by any State, group or person. However, current human rights mechanisms failed to cover most contemporary forms of human rights violations. Most armed clashes at the current time occurred within States; and most non-State perpetrators of violations used indiscriminate violence as a means to achieve their goals. Such acts of terrorism against innocent civilians clearly constituted human rights violations.

6. Turkey was struggling to eliminate externally encouraged terrorism and, at the same time, spared no effort to enhance its multi-party democratic system and further improve the enjoyment of human rights. His Government constantly reviewed its legislation, considering amendments to existing laws in order to expand the human rights and fundamental freedoms of Turkish citizens.

7. Turkey dealt with claims of human rights violations with utmost care and endeavoured to bring all perpetrators of such violations to justice. Since 1987, Turkish citizens had the right to petition the European Commission of Human Rights; and in 1988 it had ratified the European and the United Nations conventions against torture. In 1990 his Government had recognized the compulsory jurisdiction of the European Court of Human Rights. The international legal instruments to which Turkey was a party were an integral part of Turkish law and superseded domestic provisions incompatible with those instruments.

8. All human rights violations by States, groups or individuals should be thoroughly investigated and any failure to do so should not be tolerated by national institutions or the international community. On the other hand, allegations concerning human rights situations in other countries must not be used for domestic political consumption. Turkey supported the efforts to ensure the greatest possible enjoyment of human rights in Bosnia and Herzegovina. Establishing peace and a favourable human rights environment in that country would be impossible, however, unless the perpetrators of the genocidal atrocities and ethnic cleansing were brought to justice.

9. Mrs. ROMULUS (Haiti) said that her delegation commended the role of the Organization in promoting universal respect for human rights and fundamental freedoms and welcomed the results achieved in many States, including Haiti. In 1995, Haitians had witnessed for the first time the peaceful transfer of power

between democratically elected heads of State. The elections had been conducted in a climate of transparency, with all parties enjoying freedom of expression. The new Government intended to consolidate the democratic reforms initiated by its predecessor and to continue the rebuilding of human rights institutions.

10. The Haitian armed forces, implicated in numerous human rights violations, had been replaced by a national police force under the Ministry of Justice. Its officers had quickly proved their competence to protect life and property and maintain public order. However, given the lack of resources, the police were still unable to respond to all the demands placed upon them and some abuses of authority had been reported. Her Government was making every effort to ensure that the police were more professional, better equipped and carried out their duties with due regard for human rights.

11. The impartial administration of justice was a prerequisite if the principle of the rule of law was to be translated into reality. Accordingly, her Government was drafting legislation to guarantee the independence of the judiciary and had established a national academy at which more than 400 judges had been trained. In addition, the Haitian Parliament was considering a draft framework for judicial reform aimed at remedying certain inadequacies of the legal system. Various measures had been implemented to modernize the penal system and the President of the Republic had made a number of recommendations with regard to prison conditions.

12. Her Government was convinced of the link between democratization and human rights. Political, economic and social rights were interdependent and their promotion must be approached in a coordinated manner. The most important result of the Government's efforts in that area had been the raising of public awareness of those issues and the increased public participation in political affairs. The progress achieved had been made possible, in part, by the support of the international community and, in particular, the assistance of the International Civilian Mission in Haiti (MICIVIH). While much remained to be done, her Government was confident that it had laid the foundations for building a stable society. Political reform must, however, go hand in hand with social and economic development to ensure the successful transition from moribund dictatorship to fledgling democracy.

13. Mr. ABDULLAH (Malaysia), referring to the interim report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/51/457), said his delegation was concerned that Malaysia was cited as one of the countries to which the Special Rapporteur had appealed on behalf of individuals fearing imminent extrajudicial, summary or arbitrary execution, including imminent carrying-out of death sentences. In addition, Malaysia was one of the countries from which the Special Rapporteur had requested information regarding extrajudicial, summary or arbitrary executions alleged to have taken place. While it was true that, under Malaysian law, certain crimes were punishable by death, due process of law was strictly observed in all capital cases. Persons charged with capital offences were presumed innocent until proven guilty. After conviction, they had the right to appeal to a higher court and, if the appeal failed, to seek clemency from the monarch.

14. In his report, the Special Rapporteur expressed doubt as to the deterrent effect of capital punishment and urged countries in which it was still applied

/...

to abolish it. Such a view showed little understanding of the factors which could lead a country to impose the death penalty. His Government was convinced that, given the gravity of the drug problem throughout the world, the only appropriate sentence for drug-related offences was death. The mandatory death sentence stipulated under Malaysian law proved to be a powerful deterrent, enabling his Government to contain the problem of drug trafficking.

15. His delegation welcomed the reports of the Special Rapporteur on the situation of human rights in the former Yugoslavia (A/51/651-S/1996/902, A/51/663-S/1996/927 and A/51/665-S/1996/931). The recent holding of presidential elections in Bosnia and Herzegovina was an encouraging sign. All parties must now accept the results of the elections and the international community must ensure that the country's unity, sovereignty and territorial integrity were respected. The continued presence of the multinational Implementation Force (IFOR) beyond its current mandate, due to expire on 20 December 1996, was necessary to maintain peace and security. As the implementation of the Dayton Agreement proceeded, there must be a stronger focus on institution-building and the re-establishment of an adequate law-enforcement system, and measures must be taken to facilitate the return of refugees. His delegation wished to reiterate its support for the International Tribunal for the former Yugoslavia and its strong conviction that ethnic cleansing must be punished. It should be of the deepest concern to the international community that in certain parts of the former Yugoslavia the perpetrators of such dreadful acts were still at large.

16. Turning to the report of the United Nations High Commissioner for Human Rights (A/51/36), he said that, while his delegation recognized the need to restructure the Centre for Human Rights, it believed that the concerns of Member States should be taken more fully into account. As the restructuring was carried out, the provisions of the Vienna Declaration and Programme of Action must be borne in mind, in particular the concept of the interdependence of human rights. Civil and political rights must not be emphasized at the expense of economic and social rights, such as the right to development. An evaluation of the restructuring should be carried out at the end of the period of transition.

17. Ms. GORGIEVA (The former Yugoslav Republic of Macedonia) said that her delegation highly appreciated and supported the efforts of the international community and the important role of the United Nations in promoting and protecting minority rights, as one of the essential accomplishments of democracy. Those efforts had been reflected in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the General Assembly in resolution 47/135.

18. Individuals had the right to express the feeling of belonging to a national minority, and they must not suffer disadvantages due to their exercise of that right. Her Government was convinced that the existence of minorities was a matter of fact and not of law. The Republic of Macedonia, like other Balkan States, was not ethnically homogenous. The existence of national minorities enriches societies and represented the basis for building friendly relations and establishing constructive cooperation among States. The promotion of minority rights was crucial to stability in the entire Balkan region.

19. Her Government was committed to the protection and promotion of the rights of national minorities. Guided by a tradition of inter-ethnic relations in the spirit of mutual respect and tolerance, her Government had used the period of transition in the country to improve the compatibility of its legislation and practice with international standards. The protection of minority rights was regulated by a clear and comprehensive legal framework and the special treatment of minorities was provided for at the constitutional level. All minorities in the Republic of Macedonia enjoyed equal treatment and equal rights. The country's legislation complied fully with international standards and, in certain spheres, went beyond them. Such standards should be observed by all States in the region. Her Government was implementing a policy of affirmative action to enhance the integration of persons belonging to national minorities while still maintaining their specific national features. Positive results had been achieved in the fields of education and State administration.

20. In cases of human rights violations, judicial protection must be guaranteed. Regrettably, where alleged violations of minority rights occurred, political means were frequently resorted to and there was an insufficient use of judicial protection mechanisms at the national level, which should be exhausted before any recourse was had to the relevant international organizations. In order to strengthen the rule of law, special attention must be given to raising awareness of mechanisms available to citizens for the protection of their rights.

21. The international community should develop a comparative approach to the various minority rights situations in the Balkan region, in order to identify and offer solutions to real problems and to salute positive examples. That was the aim of her country's proposal for the preparation of a study on the position of national minorities in that region. She hoped that the Subcommission on Prevention of Discrimination and Protection of Minorities would find the proposal an inspiration and a genuine challenge.

22. Mr. REZVANI (Islamic Republic of Iran) said that regional institutions and instruments played a key role in the promotion and protection of human rights, and were capable of reflecting regional political, social, cultural and economic factors. That was particularly true in the Asia-Pacific region, which was characterized by its rich diversity. The Asia-Pacific countries would shortly convene a workshop in Amman, Jordan, to discuss common principles and explore strategies for the establishment of regional arrangements. The Islamic Republic of Iran had actively participated in the process and would continue its endeavours to build common understanding and agreements.

23. The follow-up to the World Conference on Human Rights should focus on general matters in which improvements would affect all substantive themes. International coordination of human rights activities and the strengthening and rationalization of United Nations human rights mechanisms were essential to that process; they would improve the effectiveness of the Organization in promoting and protecting human rights worldwide. His delegation hoped that current efforts to adapt human rights mechanisms to current and future needs would enjoy the full cooperation of all regional groups and would quickly achieve success.

24. Non-selectivity, impartiality and objectivity were the most essential requirements for a just and balanced treatment of all human rights, negligence

of which would bring about frustration in the entire system. Despite the strong reaffirmation of those concepts by many United Nations resolutions and declarations, there was still reluctance on the part of some United Nations mechanisms and institutions to deal with blatant violations of human rights in many parts of the world. Those violations manifested themselves in various forms and in different contexts; whether it was the right to development or the right to freedom of expression, all such violations involved the victimization of individuals or peoples, and warranted equal attention by the international community. All United Nations human rights mechanisms and institutions should endeavour to ensure strict non-selectivity and objectivity. That should be the spirit of all activities in the follow-up to the World Conference.

Rights of reply

25. Mr. DAVID (Israel) said that the representative of Lebanon had once again taken advantage of the right of free speech in the Third Committee to attack Israel. He recalled that Lebanon had traditionally served as a base for various terrorist groups whose goals were to inflict damage and destruction on Israel and to kill as many Israelis as possible, thus violating the most elementary human right, the right to life.

26. The issue of concern to Israel and Lebanon concerned the right and responsibility of any sovereign State, including Israel, to defend itself against repeated attacks upon its citizens. When civilians had unfortunately been killed during Israeli counter-attacks, it had been due to mistakes for which Israel had apologized. That was in sharp contrast to the attacks against Israel from Lebanese territory which primarily targeted civilians. It was regrettable that Lebanon refused to resolve its conflict with Israel. Time and again, Israel had reiterated that it had no claims on Lebanese territory and maintained its commitment to that country's integrity. The Lebanese Government should bring an end to the acts of aggression perpetrated against Israel almost daily from Lebanese territory. Unfortunately, Lebanon currently refused to resolve its problems with Israel through bilateral negotiations.

27. If human rights were of any meaning to Lebanon, then it must ensure that no armed or terrorist forces used Lebanese territory as a base for attacks against Israel. He called upon the Lebanese Government to enter immediately into negotiations with Israel to put an end to the vicious cycle of attacks and counter-attacks.

28. Mrs. ILLO (Niger) recalled that the representative of Ireland, speaking on behalf of the European Union at the 42nd meeting, had seen fit to mention the Niger in his statement.

29. Her delegation wished to reaffirm that the democratic process had been completely restored in the Niger. Political parties and human rights groups were free to meet wherever, whenever and however they wished. She recalled that parliamentary elections were to be held in November 1996, at which time the citizens of the country would freely elect their representatives to the National Assembly. That new proof of the vitality of the country's young democracy demonstrated yet again the determination of its people and leaders to ensure respect for international standards in the area of human rights.

30. Ms. ZHANG Fengkun (China) said that her delegation categorically rejected the groundless attacks upon China made by a number of delegations including those of Australia, Canada and Ireland. They should put aside their biased and arrogant attitudes. The Chinese Government, while committing itself to the promotion of economic development, had strengthened the country's democracy and legal system, with special attention to economic, social, cultural, civil and political rights. China had achieved political stability and economic growth, and its people were living happily in peace and building their country with unprecedented confidence and pride. China's progress in the field of human rights could not be written off by anyone, and the repeated lies of a few Western countries were only lies and could not change the facts.

31. Under the Chinese Constitution, all were equal before the law, and whoever violated the law should be put on trial. The Constitution also provided for the independence of the judicial system. The judgement passed according to the law in a particular case was entirely an internal affair, and no organization, individual or country had the right to interfere. Those who pointed an accusing finger at China often described themselves as "democratic" countries, yet they failed to respect the judicial independence of other countries and made indiscrete comments and wanton accusations, as a result of which one could only doubt their motives.

32. Before democratic reforms had been introduced, the old Tibet had practised a feudal serfdom system involving the integration of religion with politics and the dictatorship of the clergy and aristocracy. Serf owners, while representing only 5 per cent of the population, had owned 100 per cent of the land, and there had been no human rights to speak of. Since the democratic reforms, fundamental changes had taken place, the feudal serfdom system had been abolished, and the Tibetan people, together with the other 55 ethnic groups in China, had become the masters of their country. Those who opposed such changes no doubt would wish to force the broad masses of the Tibetan people to become serfs once again.

33. A few Western countries kept silent regarding human rights violations within their own borders while peddling their political system and values to others under the banner of human rights. They attacked and vilified the peoples and Governments of a number of developing countries in an attempt to alter the social systems and development policies chosen by those countries. However, the days when China could be trampled upon by others at will were long gone. China would never bully other countries, nor tolerate interference by any country in its internal affairs.

34. Mr. ELMUFTI (Sudan), replying to the statement made by the representative of Ireland on behalf of the European Union at the 42nd meeting, and to the statements made at the 43rd meeting by Canada and Norway, said that the Special Rapporteur himself, who had recently visited the Sudan, had unequivocally admitted that he had not verified some alleged violations, and had said that he would address and analyse them in his final report in 1997. Reference to such allegations was therefore premature. Nevertheless, the Government of the Sudan was currently conducting a series of investigations, and findings to date had proved that many of the allegations were unfounded. He did not therefore believe that the European Union was in a position to assess the need for human rights field officers in the Sudan, an assessment which the Commission on Human Rights had been mandated to conduct in 1997.

35. The European Union, Canada and Norway had been selective in their approach, ignoring the other recommendations and conclusions of the Special Rapporteur, such as his call for support for the practical measures taken by the Government of the Sudan in order to investigate allegations and improve the flow of information to competent United Nations bodies.

36. In accordance with the 1993 Vienna Declaration, the European Union, Canada and Norway had an obligation to eradicate extreme poverty and alleviate the external debt burden in all least developed countries, including the Sudan. However, they had never made any attempt to address such obligations in their statements, preferring to pursue a confrontational approach emphasizing civil and political rights at the expense of economic rights, despite the fact that human rights were interdependent.

37. Mr. VENUSTE (Rwanda), replying to the statement made by the representative of Ireland on behalf of the European Union, said that his delegation refuted the evaluation of the situation in his country as hostile to the enjoyment of human rights and fundamental freedoms. His Government had halted the genocide and massacres, and peace had returned to the country since the new Government had been installed in July 1996. On its own initiative the Government, which was composed of five different political parties, had established a national reconciliation committee. Five thousand members of the previous Rwandan armed forces had spontaneously joined the new national army.

38. The improvement in prison conditions could be attested by those who were providing assistance in the field of justice and human rights. Their two years of hard work in Rwanda should not be underestimated. That explained the request for supplementary resources.

39. With regard to the lack of a functioning impartial judicial system, the Special Rapporteur had indicated in his report (A/51/657) that the system needed rehabilitation on institutional, human-resource and material levels. He wondered how it was possible to demand an impartial system when the system itself did not exist.

40. The new law that differentiated criminal responsibility for the genocide, which had been passed in August 1996 and welcomed by the European Union, had established categories of responsibility for that crime. The European Union should therefore concentrate on assisting the Rwandan Government in removing the remaining obstacles, rather than preaching to the converted.

41. It was hardly possible to compare the achievements of the Rwandan Government to those of the International Criminal Tribunal for Rwanda, which enjoyed an annual budget of \$36 million.

42. While thanking those who had provided assistance, he stressed that the long-hoped-for mass return of Rwandan refugees was a challenge to the whole international community. Those who had provided and would provide assistance would be judged by their actions rather than their comments.

43. Mr. MICHA ONDO BILE (Equatorial Guinea), replying to the statement made by the representative of Ireland on behalf of the European Union, said that it was easy to criticize, but his country was a fledgling democracy with little

experience. With only limited resources, the first independent elections in the 28 years since independence had been organized and carried out without any ethnic conflict. More than 50 international observers had witnessed the fact that the elections had taken place in a climate of peace and harmony.

44. Mr. AL-MUMAIMIDI (Iraq), replying to the statements made by the representative of Ireland on behalf of the European Union and the representative of Canada, said that since the statement by the former had been based on the report of the Special Rapporteur on the situation of human rights in Iraq (E/CN.4/1996/61), the reply of Iraq (A/C.3/51/3) would be an adequate response to that statement. However, he would like to remark on a number of specific items, and to begin by noting the statement's lack of objectivity. It had ignored the amnesty offered to prisoners, and the introduction of new democratic procedures, such as the election for the office of President.

45. With regard to the irrigation projects being carried out in the marsh areas of the south, the statement had completely ignored the fact that the work being carried out was merely the implementation of a number of irrigation projects which had been drawn up by United States, European and Japanese companies many years ago. Because of those projects, the area was now playing an important role in the development of the country.

46. With regard to Iraq's cooperation with United Nations human rights bodies, he wished to stress that his Government genuinely cooperated in every way, and to suggest otherwise demonstrated hostility and lack of objectivity.

47. Referring to the statement made by the representative of Canada, he said that the latter had ignored the political and social situation in Iraq. It was not possible for the Government of Iraq to violate the human rights of the Kurdish people when it had no presence or military forces in the Kurdish areas. With regard to the representative's remarks concerning the Shi'ites, he said that they were Muslim Iraqis living in all parts of the country, who were an integral part of society, rather than a separate entity.

48. Mr. RI Song Il (Democratic People's Republic of Korea), replying to the statement made by the representative of Ireland on behalf of the European Union, said that the false, distorted and slanderous remarks about his country had debased the dignity of his Republic and people. There could be no human rights problem under a socialism which was centred on the popular masses, which were masters of State and society. His society was like a large, harmonious family, overflowing with honourable morality. The Government had responsibility for the destiny and future of the individual, in addition to its human rights. That was unimaginable in capitalist society, where extreme individualism, competitiveness and immortality prevailed.

49. With regard to the armistice agreement of 1953, that had already been paralysed by the negative attitude of the other party, and made no contribution to peace and security in the peninsula. His country proposed to replace the outdated agreement with a peace agreement, having a rather greater interest in peace and security on the peninsula than many others, and having a greater awareness of how the issue could be resolved. It was not appropriate to raise the issue of the armistice agreement in a meeting devoted to human rights. It

was possible, in view of the politicization of human rights, that security matters were being confused with human rights matters.

50. The statement made by the representative of Ireland had been an example of the selectivity, double standards, hypocrisy and arbitrariness to be found in the field of human rights. While paying close attention to human rights in other countries, the members of the European Union were closing their eyes to violations of human rights in their own countries, satellites and allies. That would make the Third Committee a place of confrontation rather than a place in which to resolve human rights issues, and such an attitude would ultimately threaten world peace and security. Further to the purposes and principles of the Charter of the United Nations, his delegation would make every effort to combat any attempt at confrontation or to abuse human rights issues.

51. Ms. LAIZANE (Latvia) said that, when joining the United Nations in 1991, her country had clearly stated that it was not a successor State to the Soviet Union. Nevertheless, the Russian Federation, which was a successor State to the Soviet Union, had withdrawn its military forces from Latvia only in 1994, largely due to pressure from the United Nations and the international community. The Soviet Union had occupied Latvia in 1940 and almost 1 million immigrants had come with the occupying army, while hundreds of thousands of Latvian citizens had been deported from the country. Despite that injustice, upon the restoration of its independence in 1991, Latvia had chosen to integrate the people who had entered the country during the 50 years of occupation. Integration, of course, was a complex process, of which the acquisition of citizenship was only a part.

52. There were currently 2.5 million residents in Latvia. More than 70 per cent of them were citizens of Latvia, of whom almost 400,000 were of non-Latvian origin. Permanent residents could become citizens after completing the naturalization procedures. Under the 1994 law on citizenship, the requirements for becoming a citizen through naturalization were five years residence; a basic knowledge of the Latvian language, constitution and history; and an oath of loyalty. Citizenship, of course, involved rights and obligations, including service in the Latvian army. Consequently, of the more than 100,000 persons eligible for naturalization in 1996, only 1 per cent had actually applied for citizenship. Unfortunately, her Government's approach was not understood by the Russian Federation, which criticized Latvia for not granting automatic citizenship to all people who had immigrated to Latvia during the years of occupation.

53. The Latvian Government attached priority to guaranteeing fundamental human rights for all its residents. The judicial system had been reformed; the necessary legislation had been adopted; and a human rights office had been established. Latvia's achievements in the field of human rights had been objectively and favourably evaluated by United Nations and other international bodies. The United Nations, the Organization for Security and Cooperation in Europe and the Council of the Baltic Sea States had stated that there were no massive or grave human rights violations in Latvia. Only one country had chosen to ignore those assessments, apparently owing to neo-imperialist and post-colonialist interests of some political groupings in that country.

54. Mr. NAJEM (Lebanon) said that Israel, having occupied southern Lebanon since 1978, had refused to withdraw its forces, as called for under Security Council resolution 425 (1978). His delegation did not see any desire for peace on the part of the Israeli Government. The continued Israeli occupation of southern Lebanon led to human rights violations on a daily basis and acts of violence directed against the civilian population, the latest of which had been the massacre of more than 100 innocent persons in Qana.

55. The conditions laid down by Israel for withdrawing from southern Lebanon were unacceptable. The Lebanese Government was responsible for defending the country's international borders and would not protect the Israeli occupation of its land. He reaffirmed the right of the Lebanese people in accordance with international law to resist foreign occupation. Israel's so-called security zone in southern Lebanon, which was based on a policy of violence and the use of force, had not provided security for Israel. Peace and stability in that area could be achieved only if Israel withdrew its occupation forces.

56. Mr. WIDODO (Indonesia) said that certain delegations had made unwarranted statements with regard to the human rights situation in Indonesia and East Timor. It was regrettable that they had resorted to a campaign of disinformation against his country. Such posturing could not lead to anything positive in the Committee's deliberations. Indonesia had made every effort to implement the recommendations of the Commission on Human Rights and had demonstrated its commitment to cooperate with all relevant United Nations human rights mechanisms.

57. His Government had established a human rights office in East Timor in order to promote and protect the human rights of the people there and foster their hopes and aspirations. If there were any remaining problems in East Timor, the appropriate framework for discussing them was the dialogue between Indonesia and Portugal conducted under the auspices of the Secretary-General. Accordingly, it was hoped that the States that had criticized Indonesia would exercise self-restraint and help create an atmosphere conducive to resolving the matter.

58. Mr. ARDA (Turkey) said that every country, including member States of the European Union, Australia and Turkey, had shortcomings both with regard to legislation on and the implementation of human rights. In Turkey, all democratic institutions, including the Parliament, an independent judiciary and a free press, functioned fully. Turkey constantly strove to improve its democracy and the protection of human rights. At the same time, it was combating, in full accordance with the rule of law, a deadly wave of terrorism, directed against its territorial integrity and constitutional order. That terrorism was encouraged externally, even in certain member States of the European Union. Despite their obligations under international law, some of those countries were sanctuaries for terrorists and terrorist activities. His delegation therefore urged the member States of the European Union to comply with their obligations under international law in that regard.

59. It was hard to understand why Australia had inquired about minority rights for Turkish citizens of Kurdish origin. All Turkish citizens enjoyed equal rights without any discrimination on the basis of ethnic background, race, sex or religion. Turkey did not differentiate among its citizens according to ethnicity or race. In that connection, he pointed out that almost a third of

the members of the Turkish Parliament were of Kurdish origin. His delegation also wished to inform the representative of Norway that a delegation of the Council of Europe concerned with the question of torture had visited Turkey upon the invitation of his Government several months earlier.

60. Lastly, he indicated that, in order to ensure a more fruitful discussion of human rights, it was essential to avoid one-sided, politically-motivated statements, such as those given by the European Union, Norway and Australia.

61. Mr. OTUYELU (Nigeria) said that the accusations of human rights violations levelled against his country by the European Union, Norway and Canada did not reflect the real situation in Nigeria and demonstrated a refusal to accept genuine information on the democratization and promotion of human rights there. He wished to point out to the delegation of Norway that Mrs. Abiola had been murdered by criminals and that the Nigerian police had made several arrests in the case and were continuing the investigation. Nigeria was one of the countries with the freest press and the highest degree of freedom of speech. His Government had not prevented any special rapporteurs from visiting Nigeria, but had sought, like any other Government, to arrange a proper reception in order to make such visits successful.

62. The Government was committed to a return to democratic rule in October 1998. Local elections on a non-party basis had already taken place and local government elections on a party basis were scheduled for December 1996. An additional 138 local governments had been established in order to further decentralize power in Nigeria. Five new political parties had been registered, which was a major step in the transition to democracy. Nigeria was irreversibly committed to restoring democracy and needed the support of all in that effort.

63. Mr. DAVID (Israel) said that, if Lebanon had respected Israeli sovereignty and its right to live within peaceful and secure borders, both countries would have benefited from the resulting peace and security. Israel accepted Security Council resolution 425 (1978) and had no claims to any Lebanese territory. Nevertheless, Lebanon could not expect to allow constant deadly attacks from its territory against Israel without bearing the consequences. Accordingly, his delegation once again called on Lebanon to put an end to the attacks against Israeli civilians and choose negotiations and peace over war and aggression.

64. Mr. NAJEM (Lebanon), speaking in exercise of the right of reply, said that the Lebanese people were resisting foreign occupation by Israel. The Israeli Government must respect international legality and implement Security Council resolution 425 (1978). Although Israel had repeatedly carried out acts of aggression against Lebanon and its civilian population, it had never succeeded and would never succeed through war and violence. The only solution was Israeli withdrawal from southern Lebanon.

The meeting rose at 5 p.m.